MT LEGISLATIVE HISTORY

Chapter 197 1967

Bill (H) 24 S _____ Original bill & hist. NO C

H. Committee on Public Health, Welfare & Safety S. Committee on Judiciary

Hearing Date(s)			Hearing Date(s)		
	Jan 26	✓ C		Feb 20	✓ C
	Jan 31	✓ C		_____	___ C
	feb 07	✓ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	Febo8	✓ C		Feb 21	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

January 26, 1967

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE MINUTES

The Public Health, Welfare & Safety Committee met in Room 119 at 3:30 p.m., Thursday, January 26, 1967. All committee members were present with the exception of Patrick and Ainsworth (Ainsworth excused); Chairman Crum presided.

The Chairman reported briefly on the progress of the subcommittee working on House Bills 8, 30 and 496.

Representative E. W. Christiansen, principal sponsor, spoke on behalf of House Bill 358. Mr. Crowell Shelton, Administrator of the State Liquor Control Board, was present to answer questions in regard to the bill. Witnesses were excused.

Mr. W. J. Fouse, Administrator of the State Department of Welfare, answered committee questions in regard to House Bill 79.

In reference to HB 24, Mr. Ward A. Shanahan, attorney for the Montana Railroad Association, set out various sections of the bill that his association felt needed clarifying. Mr. Robert D. Corette, representing the Montana Power Company also discussed sections of the bill that his company wished to see omitted or clarified. Dr. John S. Anderson, Executive Officer of the State Board of Health, reported to the committee on various errors in the bill that should be corrected.

Chairman Crum appointed a subcommittee to meet with those recommending changes in HB 24 to bring back a report to the full committee. Himsl, White and Hall were named as the subcommittee members, with Himsl to serve as chairman. Witnesses were excused.

Mr. Hall moved that the same amendment be added to House Bill 79 that was added to HB 13, following the underlined portion of the original bill, and that HB 79 be reported out as "As amended, Do Pass". The amendment reads as follows: "Before such payments may be paid to such other person, such person shall give a bond, with adequate corporate surety and in form to be approved by the State Department of Public Welfare, running in favor of the child or children and the State of Montana, conditioned upon the faithful use by such other person of the said funds for the welfare of the said child or children. Such bond shall be in an amount equal to six times the amount of the monthly payment involved." The motion was seconded and passed.

House Bill 358. Mr. Marbut moved that HB 358 be reported out as "Do Not Pass." Mr. Hall made a substitute motion that consideration be deferred on the bill until mimeographed copies of the bill are in the hands of the committee. Substitute motion was seconded and carried.

The meeting adjourned at 4:30 p.m.

House Bill 518: Representative Russell L. Doty, Jr., principal sponsor, explained the bill section by section. He then introduced Mr. Howard Farley of the State Board of Health who reported on his study of ambulance services in Montana. Col. Alex B. Stephenson, supervisor of the Montana Highway Patrol, spoke on the need for improving ambulance service in the state. Mr. A. J. Rensmon, President of the Montana Ambulance Association, favored the bill as a means to upgrade ambulance service in all of the state of Montana. Mr. Henry J. Anders, representing the Montana State Council of Electrical Workers, stated he was in favor of the bill. Mr. Ray F. Reavley, of the Montana Safety Foundation, said he was very much in favor of the bill. Also introduced was Mr. Ray Sheldon, Secretar Treasurer of the Montana Ambulance Association, who rose in support of the bill. Following questioning, the witnesses were excused.

HB 24: It was the concensus of the committee that action should be deferred until the amendments recommended by the subcommittee could be studied by the full committee.

HB 84: Chairman Crum read to the committee a letter from Dr. A. L. Vadheim, President of the Montana Medical Association, and Dr. Hugh V. Anderson, Chairman of the Legislative Committee of the M.M.A., requesting that HB 84 not be approved at this session so that the committees of the Association and its House of Delegates may have an opportunity to study the entire Act for an additional two-year period (letter attached). Mr. Fischer moved that House Bill 84 "Do Not Pass"; motion seconded and carried.

HB 219: Chairman Crum appointed Cox, Himsl and Lee to serve as a subcommitt to study this bill and bring back a report.

HB 330: Mr. Cox moved that HB 330 be reported out as "Do Not Pass"; motion was seconded and carried.

HB 492: Mr. Healy moved that HB 492 "Do Pass". The motion was seconded and passed.

HB 518: Mr. Delano moved that HB 518 be reported out of committee as "Do Pass". Motion was seconded and passed.

The meeting adjourned at 7:05 p.m.

February 7, 1967
PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE MINUTES

HJR 28, HB 439 and HB 505: Mr. Stuart M. Hall, of the American Legion, explained the proposed amendments to HB 439, and Mr. Shore spoke on behalf of HB 439 and 505. Witnesses were excused. Mr. White moved that HJR 28 "Do Pass". Motion seconded and carried. Mr. McCulloch moved that HB 439 "Do Not Pass"; motion seconded and passed. Mr. White moved that HB 505 "Do Pass, As Amended"; motion seconded and passed.

HB 233: The subcommittee on HB 233 reported back to the full committee, recommending that the bill be amended. Mr. Hall moved that HB 233 be amended, and then be reported out as "Do Pass, As Amended". Motion was seconded and carried.

HB 412: Mr. W. H. Bolkovatz, Helena attorney, representing the Montana Massage Association, spoke on behalf of the bill and offered a suggested amendment for Section 2, subsection (b); by striking out the words "either" and the words "or with appropriate apparatus" and also the words "heat lamps". Representative Elmer Schye appeared in support of the bill, and said that no particular fund was involved, and that if these people wanted to pay for the licensing and regulation of this occupation, he didn't see why they shouldn't be allowed to do so. Mr. Tom Reynolds, Billings, president of the Montana Chapter of the American Massage Association, gave a little of the background of the association and the approved schools involved, and urged passage of the act which would protect the public from a sanitation standpoint, and which would upgrade the occupation by eliminating those people who are not qualified. Dr. John W. McMahen, Helena physician, representing the Montana Medical Association, and the Lewis & Clark Medical Association, opposed the bill in the public health interest, and objected to the bill as giving professional status to the occupation whereas their schools have no medical supervision and the proposed standards are not subject to any recognized medical standards. Mr. Bolkovatz gave the rebuttal. Witnesses were excused.

Senate Bill 70: Senator Robert J. Rasmussen, principal sponsor for the bill, spoke for the bill, and introduced Dr. Lloyd Bowman, president of the State Board of Chiropractic Examiners of the State of Montana, who explained the purpose of the bill. Witnesses were excused. Mr. Cox moved that Senate Bill 70 "Do Pass": motion seconded and passed.

Mr. Hall moved that House Bill 412 "Do Pass"; motion seconded and passed.

Mr. Hall moved that House Bill 24 "Do Pass"; motion seconded and passed.

House Bill 219: Section 7, line 15, page 8 of the original bill was amended as suggested by Mr. Hall by inserting after the word "compensation", the following: "when done in a private home, or". Mr. Hall then moved that House Bill 219 "As Amended, Do Pass"; motion was seconded and carried.

[illegible] Bill 451): Proponents -- Mr. Tom Clavin, President of Alpha [illegible]

☒ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 8 19 67

MR. PRESIDENT:

We, your committee on Public Health, Welfare & Safety

having had under consideration House Bill No. 24

27-112, 27-202,
69-101 THROUGH 69-103, 69-105, 69-105.1, 69-105.2,
69-105.3, 69-105.4, 69-107, 69-109 THROUGH 69-127,
69-201 THROUGH 69-208, 69-301, 69-303 THROUGH 69-319,
69-401 THROUGH 69-404, 69-501 THROUGH 69-536, 69-536.1,
69-536.2, 69-537 THROUGH 69-539, 69-601 THROUGH 69-609,
69-701 THROUGH 69-712, 69-801 THROUGH 69-817, 69-901,
69-902, 69-1001 THROUGH 69-1025, 69-1122 THROUGH 69-1138,
69-1201 THROUGH 69-1220, 69-1301 THROUGH 69-1320, 69-1326
THROUGH 69-1346, 69-2001 THROUGH 69-2004, 69-2201, 69-2202,
69-2301 THROUGH 69-2310, 69-2407 THROUGH 69-2421, 69-2501
THROUGH 69-2504, 69-2601 THROUGH 69-2603, 69-2901 THROUGH
69-2918, 69-3001 THROUGH 69-3004, 69-3007 THROUGH 69-3016,
69-3016.1, 69-3017, 69-3018, 69-3101 THROUGH 69-3112,
69-3201 THROUGH 69-3210, 69-3601 THROUGH 69-3813

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE CODIFICATION AND GENERAL REVISION OF THE LAWS RELATING TO THE STATE BOARD OF HEALTH; AMENDING SECTIONS 27-112 AND 27-202, R.C.M. 1947, AND REPEALING SECTIONS 69-101 THROUGH 69-103, 69-105, 69-105.1, 69-105.2, 69-105.3, 69-105.4, 69-107, 69-109 THROUGH 69-127, 69-201 THROUGH 69-208, 69-301, 69-303 THROUGH 69-319, 69-401 THROUGH 69-404, 69-501 THROUGH 69-536, 69-536.1, 69-536.2, 69-537 THROUGH 69-539, 69-601 THROUGH 69-609, 69-701 THROUGH 69-712, 69-801 THROUGH 69-817, 69-901, 69-902, 69-1001 THROUGH 69-1025, 69-1122 THROUGH 69-1138, 69-1201 THROUGH 69-1220, 69-1301 THROUGH 69-1320, 69-1326 THROUGH 69-1346, 69-2001 THROUGH 69-2004, 69-2201, 69-2202, 69-2301 THROUGH 69-2310, 69-2407 THROUGH 69-2421, 69-2501 THROUGH 69-2504, 69-2601 THROUGH 69-2603, 69-2901 THROUGH 69-2918, 69-3001 THROUGH 69-3004, 69-3007 THROUGH 69-3016, 69-3016.1, 69-3017, 69-3018, 69-3101 THROUGH 69-3112, 69-3201 THROUGH 69-3210, 69-3601 THROUGH 69-3813, R.C.M. 1947."

Respectfully report as follows: That House Bill No. 24 be amended as follows:

(1) Section 2; line 9, page 2 of the original bill, which is line 5, page 2 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

(2) Section 4; line 32, page 2, and line 5, page 3 of the original bill, which is lines 3 and 8, page 3 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

~~DO PASS~~

(3) Section 5; line 30, page 3 of the original bill, which is line 15 of Section 5, page 4 of the printed bill -- strike out the words and punctuation "and sewage lagoons;" and insert the following words and punctuation: "sewage lagoons, sewage treatment plants and stream pollution;"

(continued to page 2)

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Revised 3-65

Chairman

(4) Section 5; line 32, page 3 of the original bill, which is line 17, page 4 of the printed bill -- strike the words, figures and punctuation as follows: "(13) air pollution;"

(5) Section 6; lines 8 and 14, page 4 of the original bill, which is lines 2 and 8, page 4 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

(6) Section 7; lines 31, page 4, and 2, 14, 16 and 20 on page 5 of the original bill, which is lines 1, 4, 13, 15 and 19, page 5 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

(7) Section 8; lines 22, 27 and 29, page 5 of the original bill, which is line 1, page 5 and lines 5 and 7, page 6 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

(8) Section 9; lines 1 and 9, page 6 of the original bill, which is lines 1 and 9, page 6 of the printed bill -- strike the words "director" and insert in lieu thereof the words "executive officer".

(9) Section 13; line 8, page 8 of the original bill, which is line 3, page 8 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

(10) Section 34; line 17, page 14 of the original bill -- add after the word and punctuation "required." the following words and punctuation: "If a person is a minor, consent by his parent or guardian is required."

(11) Section 41; line 23, page 16 of the original bill, which is line 22, page 17 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

(12) Section 47; line 30, page 17 of the original bill, which is line 1 of Section 47, page 19 of the printed bill -- strike the word "more" and insert the word "less".

(13) Section 80; lines 1 and 2, page 27 of the original bill, which is line 1, page 29 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

(14) Section 87; lines 10 and 14, page 31 and line 4, page 32 of the original bill, which is lines 6, 9 and 28, page 34 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

(15) Section 99; lines 19 and 20, page 34-A of the original bill, which is line 1, page 38 of the printed bill -- strike the word "director and insert in lieu thereof the words "executive officer".

(16) Section 115; lines 22 and 23, page 37 of the original bill, which is lines 1 and 2 of Section 115, page 42 of the printed bill -- strike the words and punctuation ", renovate, or sell" and insert the words and punctuation "or renovate for sale, consignment or rental".

(17) Section 116; line 32, page 37 of the original bill, which is line 2 of page 42 of the printed bill — strike the words and punctuation ", renovate, or sell" and insert the words and punctuation "or renovate for sale, consignment or rental".

(18) Section 116; line 2, page 38 of the original bill, which is line 5 of page 42 of the printed bill — strike the words and punctuation ", renovate, or sell" and insert the words and punctuation "or renovate for sale, consignment or rental".

(19) Section 122; lines 27 and 28, page 39 of the original bill, which is line 15, page 44 of the printed bill — strike the words "or industrial" and substitute the punctuation and words ", industrial wastes or other".

(20) Section 122; line 33, page 39 of the original bill, which is line 20 of page 44 of the printed bill — strike the words "or industrial waste" and substitute the words and punctuation ", industrial wastes or other wastes".

(21) Section 122; line 3, page 40 of the original bill, which is line 23, page 44 of the printed bill — strike the words and punctuation "or industrial waste;" and insert the words and punctuation ", industrial wastes or other wastes;"

(22) Section 127, line 16, page 41 of the original bill, which is line 4 of page 46 of the printed bill — strike the punctuation "." at the end of the section and insert the following in lieu thereof: ", and so notify the violating person in writing, by registered mail, return receipt requested, the revocation to be effective immediately upon receipt of such notice by such person."

(23) Section 130; line 15, page 42 of the original bill, which is line 3, page 47 of the printed bill — strike the word "director" and insert in lieu thereof the words "executive officer".

(24) Section 144; line 17, page 49 of the original bill, which is line 15, page 55 of the printed bill — add the word "and" as the last word of subsection 3)(a) of Section 144.

(25) Section 132; line 4, page 43 of the original bill, which is line 2, page 48 of the printed bill — strike the word "director" and insert in lieu thereof the words "executive officer".

(26) Section 155, lines 25 and 26, page 52 of the original bill, which is line 5 of page 58 of the printed bill — strike the words, numbers and punctuation "by section 94-201-1, R.C.M. 1947".

(27) Section 172, line 3, page 61 of the original bill, which is line 7, page 67 of the printed bill — strike the word "director" and insert in lieu thereof the words "executive officer".

(28) Section 181; line 14, page 64 of the original bill, which is line 7, page 71 of the printed bill — strike the word "director" and insert in lieu thereof the words "executive officer".

(29) Section 190, lines 3 and 6, page 67 of the original bill, which is lines 3 and 5, page 74 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

(30) Section 217, line 9, page 73 of the original bill, which is line 5, page 81 of the printed bill -- strike the word "director" and insert in lieu thereof the words "executive officer".

(31) Section 47, line 1, page 18 of the original bill which is line 4, page 1[illegible] of the printed bill -- strike the words "they are" and inser[illegible] in lieu thereof the words "it is".

(32) Section 68, line 23, page 23 of the original bill which is line 1, page 25 of the printed bill -- strike the punctuation ",".

And, as amended,

DO PASS

CHAIRMAN

SENATE JUDICIARY COMMITTEE MEETING -- FEBRUARY 20, 1967

The meeting was called to order by the Chairman, Senator Dussault. All the members of the committee were present.

Appearing before the committee as chief sponsor of House Bill No. 25 was Representative Gilligan from Cascade County. He said that the main purpose of this bill was to insure that a deaf person be not deprived of his rights. Representative Gilligan also appeared before the committee as chief sponsor of House Bills 176 and 337. There was no opposition to any of these three bills.

House Bill No. 394 was taken up by the committee. Representative Worden appeared before the committee as chief sponsor of this bill. Roderic R. Gudgel, representing Montana State Pharmaceutical Association, also appeared before the committee as a proponent of this bill.

House Bill No. 485 was next taken up by the committee. Representati Worden appeared before the committee as chief sponsor of this bill. He told the committee that this bill was drafted by Dean Sullivan, of the University of Montana Law School.

Appearing as proponents of House Bill No. 455 were the following: Representative Bollinger, chief sponsor of the bill; C. W. Brink, State Board of Health; Mr. Sloan, Chief of the General Sanitation Section of the State Board of Health; Dr. Anderson of the State Board of Health; and Roderic R. Gudgel, representing the Montana State Pharmaceutical Association. The proponents told the committee that the purpose of this law was to create greater uniformity with the Federal Food, Drug and Cosmetic Act and with similar acts of other states. They said that there was a great need to update our present law to match present day technology of foods, drugs and cosmetics.

House Bill No. 24 was then considered by the committee. Appearing before the committee in behalf of this bill were the following: Representative Bollinger, as chief sponsor of the bill; C. W. Brink, of the State Board of Health, and Dr. Anderson, of the State Board of Health.

Appearing before the committee as a proponent of House Bill 491 was Robert Butzerin, a Helena Attorney, representing Sam Chapman. He explained this bill to the committee and submitted a list of proposed amendments.

House Bill No. 337 was considered by the committee. After consideration, Senator Hibbs made a motion, seconded by Senator Turnage, that House Bill No. 337 be not concurred in. The motion was carried.

After consideration of House Bill No. 485, no action was taken and Senator Gilfeather was appointed as a sub-committee to work on this bill and report at the next meeting.

After consideration of House Bill No. 176, Senator Turnage moved, seconded by Senator Hibbs, that House Bill No. 176 be concurred in. The motion was carried.

House Bill No. 394 was considered by the committee. After consideration, Senator Turnage made a motion, seconded by Senator Rehberg, that House Bill No. 394 be not concurred in. The motion was carried.

House Bill No. 455 was then considered by the committee. Several amendments were proposed by the members and, after consideration of the amendments, Senator Gilfeather made a motion, seconded by Senator Turnage, that the amendments be adopted. The motion was carried. It was then moved by Senator Turnage, seconded by Senator Gilfeather, that House Bill No. 455, as amended, be concurred in. The motion was carried.

After considering House Bill No. 207, Senator Turnage made a motion, seconded by Senator Rasmussen, that House Bill No. 207 be concurred in. The motion was carried.

House Bill No. 24 was considered by the committee. A prepared set of amendments was submitted to the committee for their consideration. After considering these amendments, Senator Turnage made a motion, seconded by Senator Gilfeather, that the amendments be adopted. The motion was carried. Senator Turnage then moved, seconded by Senator Haughey, that House Bill No. 24, as amended, be concurred in. The motion was carried.

After consideration of House Bill No. 81, Senator Dzivi made a motion, seconded by Senator Turnage, that House Bill No. 81 be not concurred in. The motion was carried.

After consideration of House Bill No. 108, Senator Hibbs moved, seconded by Senator Turnage, that House Bill No. 108, be not concurred in. The motion was carried.

☐ DO PASS
☐ DO NOT PASS
☒ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 21 19 67

MR. PRESIDENT:

We, your committee on Judiciary

having had under consideration House Bill No. 24

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE CODIFICATION AND GENERAL REVISION OF THE LAWS RELATING TO THE STATE BOARD OF HEALTH; AMENDING SECTIONS 27-112 AND 27-202, R.C.M. 1947, AND REPEALING SECTIONS 69-101 THROUGH 69-103, 69-105, 69-105.1, 69-105.2, 69-105.3, 69-105.4, 69-107, 69-109 THROUGH 69-127, 69-201 THROUGH 69-208, 69-301, 69-303 THROUGH 69-319, 69-401 THROUGH 69-404, 69-501 THROUGH 69-536, 69-536.1, 69-536.2, 69-537 THROUGH 69-539, 69-601 THROUGH 69-609, 69-701 THROUGH 69-712, 69-801 THROUGH 69-817, 69-901, 69-902, 69-1001 THROUGH 69-1025, 69-1122 THROUGH 69-1138, 69-1201 THROUGH 69-1220, 69-1301 THROUGH 69-1320, 69-1326 THROUGH 69-1346, 69-2001 THROUGH 69-2004, 69-2201, 69-2202, 69-2301 THROUGH 69-2310, 69-2407 THROUGH 69-2421, 69-2501 THROUGH 69-2504, 69-2601 THROUGH 69-2603, 69-2901 THROUGH 69-2918, 69-3001 THROUGH 69-3004, 69-3007 THROUGH 69-3016, 69-3016.1, 69-3017, 69-3018, 69-3101 THROUGH 69-3112, 69-3201 THROUGH 69-3210, 69-3801 THROUGH 69-3813, R. C. M. 1947."

Respectfully report as follows: That House Bill No. 24 be amended to read as follows:

Amend on page 82, Section 212, line 29 of the original bill, being page 80, Section 212, line 6 of the printed bill, after the word and comma (,) "tents," by striking the words and punctuation "motor courts, motels,";

further amend on page 84, Section 219, beginning on line 20 on page 84, and ending with line 28 on page 88 of the original bill, being page 81, Section 219, beginning on line 1 on page 81 and ending with line 113 on page 85 of the printed bill, by striking Section 219 in its entirety and inserting in lieu thereof the following: "Section 219. Sections 212, 213, 214, 215, 216, 217, and 218 shall be effective January 1, 1968."

and as so amended

XXXXXXX BE CONCURRED IN

Senate Committee Report form
Revised 3-65

Chairman.

☐ DO PASS
☐ DO NOT PASS
☒ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 21 19 67

MR. PRESIDENT:

We, your committee on Judiciary

having had under consideration House Bill No. 24

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE CODIFICATION AND GENERAL REVISION OF THE LAWS RELATING TO THE STATE BOARD OF HEALTH; AMENDING SECTIONS 27-112 AND 27-202, R.C.M. 1947, AND REPEALING SECTIONS 69-101 THROUGH 69-103, 69-105, 69-105.1, 69-105.2, 69-105.3, 69-105.4, 69-107, 69-109 THROUGH 69-127, 69-201 THROUGH 69-208, 69-301, 69-303 THROUGH 69-319, 69-401 THROUGH 69-404, 69-501 THROUGH 69-536, 69-536.1, 69-536.2 69-537 THROUGH 69-539, 69-601 THROUGH 69-609, 69-701 THROUGH 69-712, 69-801 THROUGH 69-817, 69-901, 69-902, 69-1001 THROUGH 69-1025, 69-1122 THROUGH 69-1138, 69-1201 THROUGH 69-1220, 69-1301 THROUGH 69-1320, 69-1326 THROUGH 69-1346, 69-2001 THROUGH 69-2004, 69-2201, 69-2202, 69-2301 THROUGH 69-2310, 69-2407 THROUGH 69-2421, 69-2501 THROUGH 69-2504, 69-2601 THROUGH 69-2603, 69-2901 THROUGH 69-2918, 69-3001 THROUGH 69-3004, 69-3007 THROUGH 69-3016, 69-3016.1, 69-3017, 69-3018, 69-3101 THROUGH 69-3112, 69-3201 THROUGH 69-3210, 69-3801 THROUGH 69-3813, R. C. M. 1947."

Respectfully report as follows: That House Bill No. 24

be amended to read as follows:

Amend on page 82, Section 212, line 29 of the original bill, being page 80, Section 212, line 6 of the printed bill, after the word and comma (,) "tents," by striking the words and punctuation "motor courts, motels,";

further amend on page 84, Section 219, beginning on line 20 on page 84, and ending with line 28 on page 88 of the original bill, being page 81, Section 219, beginning on line 1 on page 81 and ending with line 113 or page 85 of the printed bill, by striking Section 219 in its entirety and inserting in lieu thereof the following: "Section 219. Sections 212, 213, 214, 215, 216, 217, and 218 shall be effective January 1, 1968."

and as so amended

XXXXXXX BE CONCURRED IN

1947 and all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. The Montana Code of Criminal Procedure is effective January 1, 1968, and its provisions apply to all proceedings in prosecutions for crimes alleged to have been committed on or after that date.

Severability clause.

Section 4. It is the intent of the legislative assembly that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved: February 28, 1967.

CHAPTER 197

An act for the codification and general revision of the laws relating to the state board of health; amending Sections 27-112 and 27-202, R.C.M. 1947, and repealing Sections 69-101 through 69-103, 69-105, 69-105.1, 69-105.2, 69-105.3, 69-105.4, 69-107, 69-109 through 69-127, 69-201 through 69-208, 69-301, 69-303 through 69-319, 69-401 through 69-404, 69-501 through 69-536, 69-536.1, 69-536.2, 69-537 through 69-539, 69-601 through 69-609, 69-701 through 69-712, 69-801 through 69-817, 69-901, 69-902, 69-1001 through 69-1025, 69-1122 through 69-1138, 69-1201 through 69-1220, 69-1301 through 69-1320, 69-1326 through 69-1346, 69-2001 through 69-2004, 69-2201, 69-2202, 69-2301 through 69-2310, 69-2407 through 69-2421, 69-2501 through 69-2504, 69-2601 through 69-2603, 69-2901 through 69-2918, 69-3001 through 69-3004, 69-3007 through 69-3016, 69-3016.1, 69-3017, 69-3018, 69-3101 through 69-3112, 69-3201 through 69-3210, 69-3801 through 69-3813, R.C.M. 1947.

Intent of legislative assembly.

It is the intent of the legislative assembly that all nonamendatory sections of this bill be codified in Title 69, Revised Codes of Montana, 1947, with the subject matter under each heading assigned to a separate chapter of that title.

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Health

State board of health.

Section 1. There is a state department of health within the executive branch of state government.

Section 2. As used in this act, unless the context clearly indicates otherwise;

"State Board."

(1) "State board" means the state board of health;

"Department."

(2) "Department" means the state department of health;

"Executive officer."

(3) "Executive officer" means the director of the state department of health;

"Communicable disease."

(4) "Communicable disease" means a disease designated communicable by the state board.

Board members —terms.

Section 3. (1) The state board consists of seven (7) members appointed by the governor for terms of seven (7) years with the consent of the senate. An appointment to replace a member whose term has expired shall be for seven (7) years. An appointment to replace a member whose term has not expired shall be for the remainder of the term.

Members to include.

(2) Membership of the state board shall include:

(a) three (3) persons who have the degree of doctor of medicine;

(b) one (1) person who has the degree of doctor of dental surgery;

(c) three (3) persons who have demonstrated intelligent and active interest in the field of public health who do not hold the degree of doctor of medicine or doctor of dental surgery.

(3) Terms of members holding office when this act becomes effective shall not be affected.

Officers.

Section 4. (1) The state board shall elect a chairman and other necessary officers and may adopt by-laws governing meetings. The executive officer shall serve as secretary to the state board. Four (4) members constitute a quorum for the transaction of business.

Meetings.

(2) The state board shall meet once every two (2) months and may hold additional meetings on the call of

the chair, at the request of the executive officer, or at the request of a majority of the members. If a member has three (3) unexcused absences from meetings in any calendar year, his position is vacant and the governor shall appoint a person to replace him.

Compensation.

(3) State board members shall receive twenty dollars ($20) a day and be reimbursed for actual and necessary expenses when attending meetings or in the discharge of other duties assigned by the state board.

(4) In suits or proceedings in which state board actions are the subject of inquiry, meetings shall be deemed to have been called and held unless the contrary is proven.

Responsibility of board.

Section 5. With policy guidance of the state board the department has responsibility for administration of laws relating to public health including but not limited to, laws on:

(1) industrial hygiene;

(2) tuberculosis control;

(3) vital statistics;

(4) local boards of health;

(5) venereal disease control;

(6) shoddy control;

(7) public and other water supplies;

(8) cadavers;

(9) hospitals, hospital related facilities, and long-term care facilities;

(10) hospital survey and construction;

(11) cesspools, septic tanks, privies, sewage lagoons, sewage treatment plants and stream pollution;

(12) public swimming pools and public bathing places;

(13) pure foods and drugs;

(14) insecticides, fungicides, and rodenticides;

(15) refuse disposal areas;

(16) communicable diseases;

(17) tourist camp grounds;

(18) hotels.

Powers of board.

Section 6. (1) The state board shall:

(a) advise the executive officer in all public health matters;

(b) hold hearings, administer oaths, subpoena witnesses, and take testimony in all matters relating to the duties of the state board or the department;

(c) bring actions in court for enforcement of health laws and defend actions brought against the state board or department;

(d) after consultation with the executive officer, adopt and enforce rules and standards for carrying out provisions of section 5 of this act and for the preservation of public health and prevention of disease;

(e) make rules covering the qualifications and professional activities, duties, services, and administration of school and local public health nurses;

(f) make rules for the transportation of dead bodies;

(g) submit a written report of activities of the state board and department and recommendations for improvement of public health to the governor and legislative assembly prior to January 10 of each odd numbered year.

(2) The state board may accept and expend federal funds available for public health services.

Executive officer —salary.

Section 7. (1) The state board shall appoint the executive officer who is the chief executive and administrative officer of the department. The state board shall fix his salary.

Duties.

(2) The executive officer shall:

(a) have a degree of doctor of medicine;

(b) have successfully completed at least one (1) year of graduate study in an approved school of public health;

(c) have had at least two (2) years experience as a full-time public health officer;

(d) be eligible for a license by the board of medical examiners;

(e) receive a license from the board of medical examiners not later than six (6) months after his appointment.

Temporary executive officer.

(3) The state board may appoint a temporary executive officer for a period of not more than one (1) year. A person appointed temporary executive officer must be licensed to practice medicine in Montana, and must have at least five (5) years active experience in that profession.

(4) The state board may contract with a person to serve as executive officer, or may appoint an executive officer for a term of not more than ten (10) years.

Removal of executive officer.

Section 8. The executive officer may be removed in the following way:

(1) the state board shall present him with a written statement of the charges against him;

(2) twenty (20) or more days after written notice is given to the executive officer, the state board shall hold a hearing to consider the charges;

(3) before the executive officer may be removed, a majority of state board members must agree that the charges were sustained by evidence presented at the hearing.

Responsibilities and duties of executive officer.

Section 9. (1) The executive officer shall:

(a) execute policies established by the board;

(b) not engage in the private practice of medicine;

(c) with approval of the state board, appoint employees of the department and fix their compensation under a merit system of personnel administration;

(d) direct public health programs and internal affairs of the department.

(2) The executive officer may employ persons on a temporary or part-time basis, or in a consulting capacity, who are not under a merit system of personnel administration.

Department of health—duties.

Section 10. With policy guidance of the state board, the department shall:

(1) establish divisions, sections, or units which are necessary to carry out the responsibilities of the department;

(2) study conditions affecting the citizens of the state by making use of birth, death, and sickness records;

(3) make investigations, disseminate information, and make recommendations for control of diseases and improvement of public health to persons, groups, or the public;

(4) at the request of the governor administer any federal health program for which responsibilities are delegated to states;

(5) inspect and work in conjunction with custodial institutions and Montana university system units periodically as necessary, and at other times on request of the governor;

(6) after each inspection made under subsection (5) of this section, submit a written report on sanitary conditions to the governor and to the director of institutions or executive secretary of the Montana university system and include recommendations for improvement in conditions, if necessary;

(7) advise state agencies on location, drainage, water supply, disposal of excreta, heating, plumbing, sewer systems, and ventilation of public buildings;

(8) organize laboratory services and provide equipment and personnel for those services;

(9) develop and administer activities for the protection and improvement of dental health and supervise dentists employed by the state, local boards of health, or schools;

(10) develop and administer a program to protect the health of mothers and children;

(11) conduct health education programs;

(12) supervise school and local public health nurses in the performance of their duties;

(13) consult with the superintendent of public instruction on health measures for schools;

(14) develop and administer a program for services to handicapped children including diagnosis, medical, surgical and corrective treatment, and after-care and related services;

(15) supervise local boards of health.

Legal adviser.

Section 11. The attorney general is legal adviser to the state board and department. If the county attorney fails to act, with the approval of the attorney general the state board may retain special counsel and compensate him from general appropriations to the state board. Either the county attorney of any county where a cause of action arises or the state board may bring any action necessary to abate, restrain, or prosecute the violation of public health laws.

Quarantine measures.

Section 12. With approval of the state board, the department may adopt and enforce quarantine measures against any state, county, or municipality to prevent the spread of communicable disease. Any person who does not comply with quarantine measures shall, upon conviction, be fined not less than ten dollars ($10) nor more than one hundred dollars ($100). Receipts from fines shall be deposited in the state general fund.

Executive officer to act—when.

Section 13. If a communicable disease endangers public health and the state board must meet to make a decision concerning the danger, the executive officer shall act for the state board until a meeting has been held.

Public health information.

Section 14. On request, employees and officers of firms and corporations and public officials shall furnish public health information to the department.

Infant morbidity and mortality —information.

Section 15. (1) If information on infant morbidity and mortality will be used to reduce those problems, data relating to the condition and treatment of any person may be given to the department, Montana medical association, an allied society of the Montana medical association, a committee of a nationally organized medical society or research group, or to an in-hospital staff committee.

(2) A person furnishing information under subsection (1) of this section is immune from suit for damages

arising from the release of the data or publication of findings and conclusions based on the data.

(3) Data supplied under subsection (1) of this section may be used or published only for advancing medical research or medical education in the interest of reducing infant morbidity or mortality. However, a summary of studies based on the data may be released for general publication.

(4) The identity of persons whose condition or treatment was studied is confidential and may not be revealed under any circumstances.

(5) Any data supplied or studies based on these data are privileged communications and may not be used as evidence in any legal proceeding. Any attempt to use, or offer to supply the data or studies, without consent of the person treated or his legal representative, is prejudicial error resulting in a mistrial.

Testing of infants.

Section 16. Persons in charge of any facility caring for newborn infants and persons responsible for the registration of births shall insure that each infant has a test for phenylketonuria administered under rules adopted by the state board.

Rules for schools.

Section 17. The state board shall adopt rules for lighting, heating, ventilation, plumbing and sanitary arrangements for schoolhouses. Before any schoolhouse is constructed, plans must be submitted to the department for approval. A schoolhouse must conform to the rules adopted by the state board before being used.

Sanitary inspections.

Section 18. (1) The department shall make sanitary inspections of schoolhouses, churches, theaters, and other buildings or facilities where persons assemble. If the facility is found unsanitary, the department shall direct that conditions be corrected within a reasonable time. If the unsanitary conditions are not corrected within the time specified, the building or facility is a public nuisance.

(2) Either the state board or a local board of health shall bring an action to correct the unsanitary conditions in the way provided by law for abating a public nuisance.

Industrial hygiene.

"Occupational disease."

Industrial Hygiene

Section 19. As used in this chapter "occupational disease" means an illness that:

(1) arises from the person's employment;

(2) is caused by exposure to a substance or industrial practice which is hazardous to health;

(3) has symptoms of an industrial disease which is known to have resulted from the same type of exposure in other cases;

(4) is not the result of a person's contacts or activities outside his employment.

Rules to prevent hazardous health conditions.

Section 20. The state board of health shall adopt rules and approve orders to correct or prevent conditions which are hazardous to health at any place of employment.

Duties of state department of health.

Section 21. The state department of health shall:

(1) make studies, make recommendations, and issue orders approved by the state board on industrial hygiene and occupational diseases;

(2) keep complete records of its studies, recommendations, or orders;

(3) investigate the conditions of work at any place of employment at any time;

(4) report the findings of investigations to the industry concerned and cooperate with the industry in preventing or correcting conditions which are hazardous to health;

(5) enforce provisions of this chapter, and rules adopted by the state board;

(6) prepare forms and instructions for reporting occupational diseases and furnish them to physicians, hospitals, clinics, industrial plants, and labor unions on request;

(7) investigate reports of deaths from occupational disease to determine the correctness of the report and the cause of the disease;

(8) at least once each year compile statistical summaries on occupational diseases reported to the department.

Reports of occupational diseases.

Section 22. (1) Before the eleventh day after discovery, every physician, person in charge of a hospital or clinic, or state employee shall report an occupational disease to the department. The report shall be on forms prescribed by the department and include:

(a) name and address of the diseased person;

(b) name and business address of the employer;

(c) business of the employer;

(d) place of the person's employment;

(e) length of time the person was employed at the place where he became ill;

(f) nature of the disease;

(g) other information required by the department.

(2) Reports made under this section are neither public records nor open to public inspection. They are not admissible as evidence in any legal action or at a hearing under workmen's compensation laws of this state.

Violation —penalty.

Section 23. (1) A person is guilty of a misdemeanor if he:

(a) does not make a report required by this chapter;

(b) does not comply with a rule adopted by the state board;

(c) does not comply with an order approved by the state board;

(d) wilfully makes a false statement in a report.

(2) On conviction, he shall be fined not more than five hundred dollars ($500).

Tuberculosis control.

Tuberculosis Control

Public policy.

Section 24. It is the public policy of the state to:

(1) protect persons from the danger of tuberculosis in a communicable state;

(2) provide and maintain a comprehensive program for the prevention, abatement, and adequate control working toward eradication of the disease;

(3) cooperate with other state agencies and the federal government in carrying out these objectives.

Section 25. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Local board" means a city, county, city-county or district board of health.

(2) "Tuberculosis" means a disease caused by the tubercle bacillus characterized by the production of tuberculous lesions.

Rules for determination.

Section 26. The state board of health shall adopt rules for the determination of tuberculosis in a communicable state.

Duties of state department of health.

Section 27. (1) Under policy guidance of the state board, the state department of health shall;

(a) accept, spend, and distribute federal funds available for tuberculosis control;

(b) collect and study data on the incidence of tuberculosis.

(2) Under policy guidance of the state board, the department may, if appropriate, contract with federal agencies or other state agencies for receipt and expenditure of federal funds.

When person suspected to have tuberculosis.

Section 28. (1) If a person is reasonably suspected to have, or to have been exposed to, communicable tuberculosis, upon request of:

(a) a physician legally authorized to practice medicine in the state; or

(b) the department; or

(c) a local health officer; the department or a local board may apply for an order from the district court.

(2) The application shall request that the person be ordered to:

(a) submit to an examination for tuberculosis; or

(b) enter, or return to, a hospital for treatment if the person is a menace to public health.

Application —form.

Section 29. (1) The application for an order provided for in section 28 of this act shall allege that the person:

(a) is suspected of having tuberculosis in a communicable state or has been exposed to communicable tuberculosis; is a menace to public health and has refused to be examined for tuberculosis as required by rules adopted by the state board; or

(b) is suffering from tuberculosis in a communicable state; is a menace to public health; has refused to enter, or has left, a hospital against the advice of a physician or health officer.

(2) The application shall state the names of witnesses by which facts alleged may be proved. At least one (1) witness shall be a physician.

Procedure for hearing on application.

Section 30. The procedure for a hearing on the application is:

(1) a summons stating the time and place of the hearing and a copy of the application is personally served on the person;

(2) the summons, with endorsement of the time of service, is filed with the district court prior to the hearing;

(3) not fewer than three (3) nor more than seven (7) days after service of the summons, a hearing is held in the district court;

(4) the court examines witnesses in attendance or others it wishes to call.

Section 31. Following the hearing, the court shall find that the allegations of the application are:

(1) true and order the person committed to a hospital; or

(2) true and order the person to submit to an examination for tuberculosis; or

(3) not true and order the person discharged.

Failure to comply.

Section 32. If a person fails to comply with an order to submit to an examination for tuberculosis within the time set, the court shall order him committed to a hospital.

Order of commitment.

Section 33. The court shall send certified copies of an order of commitment to the hospital and the department or local board of health, and issue a warrant directed to the sheriff to transport the person to the designated hospital.

Hospitalization.

Section 34. A person committeed under section 31 or section 32 of this act shall remain at the hospital until discharged, but he is not required to submit to medical or surgical treatment without written consent. If the person is incompetent, consent by his next of kin or guardian is required. If a person is a minor, consent by his parent or guardian is required. The person in charge of the hospital may use reasonable means to insure that the person committed remains at the hospital.

Release—application.

Section 35. (1) A person committed under section 31 or section 32 of this act may apply for a release. The procedure for the request and a hearing is:

(a) not fewer than one hundred eighty (180) days after commitment, the person applies to the court that ordered commitment requesting release;

(b) not fewer than three (3) nor more than seven (7) days after receipt of the request, the court holds a hearing.

(2) Following the hearing, the court:

(a) orders his discharge if it finds he no longer has tuberculosis in a communicable state; or

(b) dismisses the request if it finds he still has tuberculosis in a communicable state.

Release—when.

Section 36. If the person in charge of the hospital and the department or local board that requested commitment concur that a person is no longer a menace to public health, the person shall be released from the hospital. The person in charge of the hospital shall file a notice of date of release with the court that ordered commitment.

Transfer to another hospital.

Section 37. If it is in his best interest, a person may be transferred from the hospital to which he was committed to another hospital approved by the department. The person in charge of the hospital to which the person was committeed shall notify the court that ordered commitment, and the department or local board that requested commitment, of the transfer.

Expenses and fees.

Section 38. Court costs, expenses and all fees shall be paid by the treasurer of the county from which a person is committed. Expenses and fees shall be paid as follows:

(1) to sheriffs and their deputies the same fees allowed for similar services in district court;

(2) to physicians, not to exceed two (2), fees as set by the court;

(3) to witnesses the same fees and mileage provided for attendance in district court;

(4) to persons other than the sheriff or his deputies who transport a person to or from a hospital, witness fees and expenses as verified by the court.

Transportation expenses.

Section 39. Expenses of transporting a person to a hospital for commitment shall be paid from the general fund of the county from which the person is committed. The charge for care, treatment, and maintenance at the state pulmonary disease hospital shall be at the rate fixed by law.

Facility.

Section 40. The state pulmonary disease hospital shall maintain facilities to carry out provisions of this chapter.

Vital statistics.

Vital Statistics

Section 41. As used in this chapter, unless the context clearly indicates otherwise:

"Vital statistics."

(1) "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, marital status and incidental supporting data.

"Live birth."

(2) "Live birth" means the birth of a child who shows evidence of life after being entirely outside the mother.

"Fetal death."

(3) "Fetal death" means a birth after twenty (20) weeks of gestation which is not a live birth.

"Dead body."

(4) "Dead body" means a lifeless human body or parts of a body from which it reasonably may be concluded that death occurred recently.

"Person in charge of interment."

(5) "Person in charge of interment" means any person who places or causes to be placed, a dead body or the ashes after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes of the body.

"Physician."

(6) "Physician" means a person legally authorized to practice medicine in this state.

"State registrar."

(7) "State registrar" means the person designated by the executive officer of the department of health to have primary responsibility for vital statistics.

"Local registrar."

(8) "Local registrar" means a person appointed by the state registrar to act as his agent in administering this chapter within the area set forth in the letter of appointment.

System and rules.

Section 42. The state board of health shall establish a statewide system of vital statistics and adopt rules for gathering, recording, using, and preserving vital statistics.

Duties of state department

Section 43. The state department of health shall:

(1) divide the state into registration districts and change districts as necessary;

(2) gather, record, use, and preserve vital statistics;

(3) enforce rules adopted by the state board for gathering, recording, using and preserving vital statistics;

(4) give instructions and prescribe forms for gathering, recording, preserving, and using vital statistics.

Diclosure of data.

Section 44. It is unlawful to disclose data in the vital statistics records of the department, local registrars, or county clerk and recorder unless disclosure is authorized by law and approved by the state board. The state registrar shall not permit inspection of the records or issue copies of any certificate unless he is satisfied that the applicant has a direct and tangible interest in the data recorded and that the information is necessary for the determination of personal or property rights. His decision is subject to review by the state board or a court.

State board may direct release.

Section 45. The state board may direct the state registrar to disclose information from his records to federal, state, county, or municipal agencies for use only as prescribed by the state board. If no identification of

individuals is made, the state board may permit the use of data contained in vital statistics records for research purposes.

Certified copies.

Section 46. Subject to the limitations of sections 44, 45, 57, 59, and 62 of this act, the state registrar shall furnish to any applicant a certified copy of a certificate, or part of it, upon request which shall be considered the same as the original.

Fee for certified copy.

Section 47. The state board shall prescribe a fee of not less than two dollars ($2) for a certified copy of certificates, or search of files. The state board may provide transcripts to the federal agency responsible for vital statistics if it is reimbursed for costs.

Section 48. Fees received for a certified copy of a certificate or a search of files shall be deposited in the state general fund.

State registrar —duties.

Section 49. The state registrar shall:

(1) with approval of the state board, appoint local registrars;

(2) supervise local registrars and other persons required to comply with this act.

Deputy registrars.

Section 50. With approval of the state registrar, local registrars may appoint deputies. Local registrars and deputies shall immediately report violations of this act or rules of the state board to the state registrar.

Certificates —form.

Section 51. (1) All certificates shall include information required by the state board.

(2) Local registrars shall forward original certificates to the state registrar, file a duplicate copy with the county clerk and recorder, and retain a triplicate copy.

(3) Local registrars shall not issue certified copies of certificates.

Filing of certificates —evidence.

Section 52. Certificates filed within six (6) months after the time prescribed by the state board shall be prima facie evidence of the facts stated in the certificates. Data pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother. If the alleged father is not the husband of the mother, data pertaining to the alleged father are

not evidence in any proceedings adverse to his interests, his heirs, next of kin, devisees, legatees, or other successors in interest.

Birth certificates.

Section 53. Within the time prescribed by the state board, a birth certificate shall be filed with the local registrar of the district in which the birth occurred by:

(1) the physician, midwife, or other legally authorized person if the birth is attended;

(2) one of the parents if the birth is unattended.

When parents unable to furnish information.

Section 54. (1) If a birth is unattended and neither parent is able to prepare a birth certificate, the local registrar shall:

(a) secure information from any person having knowledge of the birth;

(b) prepare and file a birth certificate;

(c) within the time prescribed by the state board, file a supplementary report furnishing information omitted from the original birth certificate if additional information is received.

(2) Birth certificates completed by a supplementary report shall not be considered "delayed" or "altered."

Report by person having custody of child of unknown parentage.

Section 55. (1) A person who assumes custody of a child of unknown parentage shall immediately file with the local registrar a written report which shall constitute a birth certificate. The report shall contain:

(a) the date and place of finding or assumption of custody;

(b) sex, color or race, and approximate age of the child;

(c) name and address of the person or institution with whom the child has been placed for care;

(d) name given to the child by the finder or person who assumes custody.

(2) The place where the child was found or custody assumed shall be the place of birth. The date of birth shall be determined by approximation. If the child is identified and a regular birth certificate is found or

obtained, the report shall be sealed and may be opened only by court order.

Birth certificate.

Section 56. After the time prescribed by the state board, a person born in this state may file a birth certificate upon submitting proof as required by the state board or by any court. A person may amend a birth, death, or fetal death certificate upon submitting proof as required by the state board.

Delayed or altered certificates.

Section 57. If birth certificates are accepted six (6) months or more after the time prescribed for filing or are altered by the state registrar after filing, the certificate shall show the date of the delayed filing or alteration and the mark "delayed" or "altered". A summary statement of the evidence in support of the delayed filing or alteration shall be endorsed on the certificate.

Judicial procedure to establish date and place of birth.

Section 58. If a person born in this state cannot obtain a birth certificate from the state registrar, the judicial procedure to establish date and place of birth is:

(1) the person petitions the district court for an order establishing a public record of his birth alleging the facts which he claims entitles him to the birth certificate;

(2) if the court is satisfied of the truth of the allegations in the petition, it makes an order reciting the facts, determining the time and place of birth, names of parents, and other relevant facts;

(3) the court order or a certified copy is recorded with the county clerk and recorder and with the state registrar;

(4) from the court order, the state registrar makes a transcript of the important facts and issues a delayed birth certificate.

Probative value of delayed certificate.

Section 59. The probative value of a "delayed" or "altered" certificate of birth is determined by the judicial or administrative body before whom the certificate is offered as evidence.

Substitute birth certificate —issuance.

Section 60. The procedure for issuing a substitute birth certificate for a person born in Montana and adopted is:

(1) before the sixteenth day of the month following

the order of adoption the clerk of the district court shall forward a certified copy of the final order of adoption to the state registrar;

(2) the state registrar shall prepare a substitute certificate containing:

(a) the new name of the adopted person,

(b) the true date and place of birth and sex of the adopted person,

(c) statistical facts concerning the adoptive parents in place of the natural parents,

(d) the words "State Registrar" substituted for the words "Attendant's own signature,"

(e) dates of recording as shown on the original birth certificate.

Substitute birth certificate —recording.

Section 61. (1) The procedure for recording a substitute certificate of birth for a person born in Montana and adopted is:

(a) the state registrar shall send copies of the substitute certificate to the local registrar and to the county clerk and recorder;

(b) the local registrar and county clerk and recorder shall immediately enter the substitute birth certificate in their files and forward copies of the original birth record to the state registrar;

(c) the state registrar shall seal original birth records and open them only upon demand of the adopted person if of legal age, or upon order of a court.

(2) Upon receipt of a certified copy of a court order annulling an adoption, the state registrar shall restore the original certificate to its place in his files and notify the local registrar and county clerk and recorder.

Information on illegitimacy.

Section 62. Disclosure of illegitimacy of birth, or information from which illegitimacy can be ascertained, may be made only upon order of a court to determine personal or property rights. The information can be used only for that purpose.

New birth certificate if person legitimated.

Section 63. Upon receipt of proof of legitimation, the state registrar shall prepare a new birth certificate in

the new name of the person legitimated. Evidence upon which the new certificate is based and the original birth certificate shall be sealed and may be opened only upon court order. In case of legitimation, the state registrar shall substitute records in the way provided in section 61 of this act for records of adoption.

Death certificates.

Section 64. (1) A death or fetal death certificate shall be filed with the local registrar prior to interment or other disposition of a dead body. If the place of death is known, the certificate shall be filed within three (3) days after the occurrence is known. If the place of death or fetal death is unknown, the certificate shall be filed within twenty-four (24) hours after the occurrence is known.

(2) If a state resident dies outside the county of his residence, the clerk and recorder shall send a certified copy of the death certificate to the clerk and recorder of the deceased's county of residence. The copy shall be considered the same as the original.

Duty of undertaker.

Section 65. A person in charge of interment shall:

(1) obtain personal data required by the state board from persons best qualified to supply the data and enter it on the death or fetal death certificate;

(2) present the death certificate to the physician last in attendance upon the deceased or the coroner having jurisdiction who shall certify the cause of death according to his best knowledge and belief; or

(3) present the fetal death certificate to the physician, midwife, or other person in attendance, who shall certify the fetal death and supply any pertinent additional medical data;

(4) notify the local registrar if the death or fetal death occurred without attendance or if the physician last in attendance failed to sign the death certificate;

(5) file the death or fetal death certificate with the local registrar within three (3) days after the occurrence.

No medical attendance.

Section 66. If the death or fetal death occurred without medical attendance or the physician last in attendance failed to sign the death certificate, the local registrar may complete the certificate on the basis of information received from persons having knowledge of the

facts. If it appears the death or fetal death resulted from other than natural causes, the local registrar shall notify the coroner for investigation and certification.

Cause of death.

Section 67. If the cause of death or fetal death cannot be determined within three (3) days after the occurrence, the attending physician or coroner shall give the local registrar written notice of the reason for delay so that a permit may be issued for disposition of the body.

Permit for disposal of dead body.

Section 68. No dead body shall be disposed of or removed from a registration district until a permit for disposition or removal has been issued by the local registrar. No permit shall be issued until a death certificate, fetal death certificate, or notice of delay as required in section 67 of this act has been filed with the local registrar.

Body brought into state.

Section 69. If a body is brought into the state for burial or other disposition accompanied by a permit, the local registrar shall endorse the permit and keep a record of it.

Institutions.

Section 70. The person in charge of any institution or facility for the care of persons shall record and report all data required by this chapter relating to inmates or patients of the institution or facility.

Fees.

Section 71. The state board may specify by regulation a fee to be paid each local registrar for each complete birth, death or fetal death certificate forwarded by the local registrar to the state registrar, or a monthly report stating the local registrar did not file certificates. The state registrar shall annually certify to the county treasurer the number of births, fetal deaths, and deaths, or monthly reports received from his county with the names of the local registrars and the amount due each. The treasurer shall pay each local registrar out of the county general fund.

Marriage certificates.

Section 72. Before the sixteenth day of each month, each clerk of a district court shall report marriage certificates filed with him during the preceding calendar month to the state registrar. Reports shall be on forms and contain information prescribed by the state registrar. The applicant for a marriage license shall pay a recording fee of twenty-five cents ($.25) to the officer authorized to issue the marriage license.

Divorce, adoption and annulment.

Section 73. Before the sixteenth day of each month, the clerk of court shall prepare and forward to the state registrar a certificate for each decree of divorce, adoption, annulment of marriage, or annulment of adoption that became final during the preceding calendar month. Certificates shall be on forms prescribed by the state registrar.

Report of divorce or annulment.

Section 74. (1) At the same time a decree of divorce or annulment of marriage is filed, the clerk of court shall prepare a report to the state registrar on the form prescribed by the state registrar. Parties to the action or their attorneys shall supply the clerk with necessary information.

(2) The report shall include:

(a) name, age, birthplace, residence, race or color, and occupation of each party;

(b) number, date, and place of any previous marriage of either party;

(c) number of children under eighteen (18) years of age in custody of either party and residing with him;

(d) grounds for the action;

(e) the number of the cause of action;

(f) the county and judicial district where the action is filed;

(g) the date of judgment and the party which was granted it.

Person having knowledge to furnish information.

Section 75. Any person having knowledge of the fact shall furnish information he possesses about a birth, death, fetal death, marriage or divorce upon demand of the state registrar.

Violations and penalties.

Section 76. A person shall be fined not more than one thousand dollars ($1,000), imprisoned not more than one (1) year, or both, if:

(1) he wilfully and knowingly makes any false statement in a report, record, or certificate required to be filed by law, or in an application for an amendment thereof, or wilfully and knowingly supplies false information intending that such information be used in the prepa-

ration of any such report, record, or certificate, or amendment;

(2) without lawful authority and with the intent to deceive, he makes, alters, amends, or mutilates any report, record, or certificate required to be filed under law or a certified copy of the report, record, or certificate;

(3) he wilfully and knowingly uses or attempts to use, or furnish to another for use, for any purpose of deception, any certificate, record, report, or certified copy made, altered, amended, or mutilated;

(4) with the intention to deceive, he wilfully uses or attempts to use any birth certificate or certified copy of a birth record knowing that such certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person;

(5) he wilfully and knowingly furnishes a birth certificate or certified copy of a birth record with the intention that it be used by a person other than the person to whom the birth record relates.

Section 77. A person shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100), imprisoned for not more than thirty (30) days, or both, if:

(1) he knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit as provided by law;

(2) he refuses to provide information required by law;

(3) he wilfully neglects or violates any of the provisions of law or refuses to perform any of the duties imposed upon him by law.

Local boards of health.

Local Boards of Health

Section 78. As used in this chapter, unless the context clearly indicates otherwise:

"Local board." (1) "Local board" means a county, city, city-county, or district board of health.

"Local health officer." (2) "Local health officer" means a county, city, city-county, or district health officer appointed by the local board.

"Physician." (3) "Physician" means a physician legally authorized to practice medicine in this state.

Section 79. With approval of the state board of health, the state department of health has general supervision over local boards.

Section 80. With approval of the state board, the executive officer of the state department of health may accept funds for public health from an agency of the federal government, or from any other agency or person, and allocate funds to local boards.

City-county boards. Section 81. There is a county board of health in each county consisting of:

(1) the county commissioners; or

(2) three (3) persons who are appointed by the county commissioners and serve at their pleasure.

Section 82. There is a city board of health in each first and second class city consisting of three (3) persons who are appointed by the governing body of the city and serve at their pleasure.

Section 83. By mutual agreement between the county commissioners and the governing body of the city, the county and a first or second class city, or cities, may form a city-county board of health. A city-county board of health consists of:

(1) one (1) person appointed by the county commissioners who serves at their pleasure;

(2) one (1) person appointed by the governing body of each city that participates in the city-county board who serves at the pleasure of the appointing governing body;

(3) additional members appointed by the county commissioners and governing body, or bodies, of the city or cities participating in the city-county board as mutually agreed upon, who serve at the pleasure of the appointing commissioners or governing body.

District boards. Section 84. By mutual agreement, two (2) or more adjacent counties may unite to create a district board of

health. First and second class cities located in those counties may elect to be included in the district. A district board of health consists of:

(1) one (1) person appointed by the county commissioners of each county in the district who serves at the pleasure of the appointing commissioners;

(2) one (1) person appointed by the governing body of each city that elects to be included in the district, who serves at the pleasure of the appointing governing body;

(3) additional members appointed by the county commissioners of each county that participates in the district board as mutually agreed upon, who serve at the pleasure of the appointing commissioners.

Financing of local boards.

Section 85. (1) Local boards are financed by general fund appropriations, state and federal funds available, and contributions from school boards and other official and nonofficial agencies.

Appropriations.

(2) Appropriations are made as follows:

(a) County boards are financed by an appropriation from the general fund of the county after approval of a budget in the way provided for other county offices and departments under Chapter 19, Title 16, R.C.M. 1947.

(b) City boards are financed by an appropriation from the general fund of the city after approval of a budget in the way provided for other city offices and departments under Chapter 14, Title 11, R.C.M. 1947.

(c) If a city-county board is created, the county commissioners and governing body of the city, or cities, shall mutually agree upon the division of expenses. The county part of total expenses is financed by an appropriation from the general fund of the county after approval of a budget in the way provided for other county offices and departments under Chapter 19, Title 16, R.C.M. 1947. The city, or cities, part of total costs is financed by an appropriation from the general fund of the city, or cities, participating in the city-county board after approval of a budget in the way provided for other city offices and departments under Chapter 14, Title 11, R.C.M. 1947. All moneys shall be deposited with the county treasurer who shall disburse them as county funds.

(d) District boards are financed by approprations from the general funds of the counties in the district in proportion to the population in each county. First and second class cities which elect to be included in the district contribute to the county in which they are located in the way provided for city-county boards under subsection (2) (c) of this section. All funds shall be deposited with the county treasurer of one (1) of the counties as agreed upon by the commissioners of the counties in the district. The county treasurer shall disburse the funds as county funds.

(3) School boards and other official and nonofficial agencies may contribute funds to a local board.

(4) If the general fund of a city or county is not sufficient to meet the approved budget, a levy of not more than one (1) mill may be made on the taxable valuation of all property in the city or county in addition to all other levies authorized by law.

Duties of local boards.

Section 86. (1) Local boards shall:

(a) appoint a local health officer who is a physician and fix his salary;

(b) elect a chairman and other necessary officers;

(c) employ necessary qualified staff;

(d) adopt by-laws to govern meetings;

(e) hold regular meetings quarterly and hold special meetings as necessary;

(f) supervise destruction and removal of all sources of filth which cause disease;

(g) guard against the introduction of communicable disease;

(h) supervise inspections of public establishments for sanitary conditions.

(2) Local boards may:

(a) quarantine persons who have communicable diseases;

(b) require isolation of persons or things which are infected with communicable diseases;

(c) furnish treatment for persons who have communicable diseases;

(d) prohibit the use of places which are infected with communicable diseases;

(e) require and provide means for disinfecting places which are infected with communicable diseases;

(f) accept and spend funds received from a federal agency, the state, a school district, or other persons;

(g) contract with another local board for all, or a part of, local health services;

(h) reimburse local health officers for necessary expenses incurred in official duties;

(i) abate nuisances affecting public health;

(j) adopt rules, which do not conflict with rules adopted by the state board:

(i) for the control of communicable diseases,

(ii) for the removal of filth which might cause disease or adversely affect public health,

(iii) on sanitation in public buildings which affects public health,

(iv) for heating, ventilation, water supply and waste disposal in public accommodations which might endanger human lives.

Duties of local health officers.

Section 87. (1) Local health officers, or their authized representatives, shall:

(a) make inspections for sanitary conditions;

(b) as directed by the local board, issue written orders for the destruction and removal of all filth which might cause disease;

(c) with written approval of the executive officer, order buildings or facilities where people congregate closed during epidemics;

(d) on forms provided by the department, report communicable diseases to the executive officer each week;

(e) before the first day of January, April, July and October, give a report to the local board of sanitary conditions in the county, city, city-county, or district together with a detailed account of his activities on forms, and containing information, required by the department;

(f) before the tenth day after the report is given to the local board, send a copy of the report required by subsection (1) (e) of this section to the department;

(g) as prescibed by rules adopted by the state board, establish and maintain quarantines;

(h) as prescribed by rules adopted by the state board, supervise the disinfection of places at the expense of the local board when a period of quarantine ends;

(i) notify the state health department of his appointment and any changes in membership of the local board;

(j) file a complaint with the appropriate court if provisions of this chapter or rules adopted by the local or state board under the provisions of this chapter are violated.

(2) With approval of the executive officer, local health officers may forbid persons to assemble in any place if the assembly endangers public health.

(3) Local health officers may be placed in charge of communicable disease hospitals, but local health officers are not required to act as physician to the indigent.

Appointment of local health officers.

Section 88. If the county commissioners, or governing body of a first or second class city, do not appoint a health officer, the state board may appoint a health officer thirty (30) days after notification in writing has been given to the county commissioners or governing body of the city. A health officer appointed by the state board has the same authority as a health officer appointed by a local board.

Local nurse.

Section 89. (1) A local board may employ a qualified nurse for nursing services to persons under a physician's care who are confined to their homes. Before nursing services are provided, a physician must:

(a) determine that the person needs the services of a visiting nurse;

(b) direct the nurse to visit the person;

(c) specify the type and duration of services to be performed by the nurse.

(2) Persons shall pay for the services at rates set by the local board. Local boards, on behalf of persons receiving services, may accept payment from persons or public agencies either directly from, or by contract with, the person or agency. All payments received shall be deposited in a special county or city fund and used to defray expenses of providing the service.

Assistance of local health officers.

Section 90. A state or local health officer may request a sheriff, constable, or other public officer to assist him in carrying out the provisions of this chapter. If the officer does not render the service, he is guilty of a misdemeanor and may be removed from office.

Physician's reports.

Section 91. If a physician or other practitioner of the healing arts examines or treats a person whom he believes has a communicable disease, or a disease declared reportable by the department, he shall immediately report the case to the local health officer. The report shall be in the form, and contain information, prescribed by the department.

Smallpox.

Section 92. If there is a reasonable belief that smallpox exists or may exist, the department may require all persons frequenting any schoolhouse within the infected or threatened district to be vaccinated, or to present evidence of successful vaccination with cowpox. Unless a person presents evidence of vaccination, it is unlawful for him to enter any schoolhouse in the district.

Diseased prisoners.

Section 93. (1) On written order of a local health officer, a diseased prisoner who is held in a jail and who is considered dangerous to the health of other prisoners, may be removed to a hospital or other place of safety. When the prisoner recovers from the disease, he shall be returned to the jail. If the prisoner was committed to jail by order of court, the order for removal and treatment shall be signed by the local health officer and filed with the court.

(2) A prisoner removed to a hospital or clinic for treatment shall not be considered to have committted an escape.

Violations.

Section 94. It is unlawful to:

(1) hinder a local health officer in the performance of his duties under this chapter; or

(2) remove or deface any placard or notice posted by the local health officer; or

(3) violate a quarantine regulation.

Section 95. It is unlawful to:

(1) place all or any part of a dead animal in any lake, river, creek, pond, reservoir, road, street, alley, lot, or field; or

(2) place all or any part of a dead animal within one mile of the residence of any person unless the dead animal or part of a dead animal is burned or buried at least two (2) feet under ground; or

(3) being the owner, permit all or any part of a dead animal to remain in the places specified in subsections (1) and (2) of this section except as provided in subsection (2) of this section;

(4) every twenty-four (24) hours that a dead animal or part of a dead animal remains in the places specified in subsections (1) and (2) of this section except as provided in subsection (2) of this act is a separate violation.

Orders of boards.

Section 96. (1) If a person refuses or neglects to comply with a written order of a state or local health officer within a reasonable time specified in the order, the state or local health officer may cause the order to be complied with and initiate an action to recover any expenses incurred from the person who refused or neglected to comply with the order. The action to recover expenses shall be brought in the name of the city or county.

(2) A person who does not comply with rules adopted by a local board is guilty of a misdemeanor. On conviction, he shall be fined not less than ten dollars ($10) nor more than fifty dollars ($50).

(3) Except as provided in subsections (1) and (2) of this section, a person who violates the provisions of this chapter, or rules adopted by the state board under the provisions of this chapter, is guilty of a misdemeanor. On

conviction, he shall be fined not less than ten dollars ($10) nor more than five hundred dollars ($500), imprisoned for not more than ninety (90) days, or both.

Venereal disease.

Venereal Disease

Section 97. Syphilis, gonorrhea, chancroid, lymphogranuloma, venereum, and granuloma inguinale are venereal diseases. Venereal diseases are contagious, infectious, communicable, and dangerous to public health. A person infected with a venereal disease shall not knowingly expose another person to infection.

Responsibility of state board of health.

Section 98. Under policy guidance of the state board of health, the state department of health shall undertake to prevent, control and prescribe treatments for venereal diseases and may conduct education campaigns for this purpose. The department shall cooperate with federal agencies and may expend federal funds made available to the state for the prevention, control and treatment of venereal diseases.

Section 99. With approval of the state board, the executive officer of the state department of health is authorized to accept federal funds available for the prevention, control and treatment of venereal diseases, deposit funds in the state treasury, and disburse the funds.

Physician's report.

Section 100. A physician who diagnoses or treats a venereal disease shall make a record and report the case to the department in the way and on forms provided by the department.

Duties of officers.

Section 101. (1) If found necessary or desirable to protect public health, state and local health officers or their authorized deputies or agents shall:

(a) examine, or have examined, persons reasonably suspected of being infected with venereal disease;

(b) require persons infected to report for treatment to a reputable physician and continue treatment, which may be at public expense, until cured;

(c) isolate or quarantine persons who refuse examination or treatment;

(d) investigate sources of infection of venereal disease.

(2) No one but the state or local health officer may terminate the isolation or quarantine. Examinations may be made repeatedly as deemed advisable or desirable.

Confined persons.

Section 102. Any person confined or imprisoned in any state, county, or municipal prison within the state may be examined for venereal disease. If infected, the person shall be treated by health authorities.

Conduct of infectious person.

Section 103. If a physician or other person knows or has reason to suspect that a person who has venereal disease is conducting himself in a way which might expose another to infection, he shall immediately notify the local health officer of the name and address of the diseased person and the essential facts in the case.

Medications.

Section 104. It is unlawful to prescribe, sell or recommend any drugs, medicines, or other substances for the cure or alleviation of venereal disease except upon prescription signed by a physician legally authorized to practice medicine in this state.

Certificate of freedom from disease.

Section 105. No person shall issue a certificate of freedom from venereal disease. However, a physician or health officer may issue a statement of freedom from diseases in an infectious state only if it is written in such form or given under safeguards that will prevent its use in solicitation for sexual intercourse. These statements shall not be used for solicitation for immoral purposes.

Information.

Section 106. Information concerning persons infected or reasonably suspected to be infected with venereal disease may only be released to:

(1) personnel of the state department of health; or

(2) a physician who has written consent of the person whose record is requested.

Standard test for syphilis.

Section 107. The department shall approve a standard serological test for syphilis. It shall also approve laboratories which may make such tests. On request the department shall make laboratory tests required by this chapter without charge. The department shall destroy the results of a test if an erroneous report is made.

Blood samples—pregnant women.

Section 108. Blood samples shall be taken from pregnant women and submitted to an approved laboratory for a standard serological test for syphilis as follows:

(1) any physician or other person authorizied by law to practice obstetrics who attends a pregnant woman shall at the first professional visit take the blood sample and submit it to the laboratory.

(2) a person permitted to attend pregnant women but not permitted to take blood samples shall have the sample taken by a person permitted to take blood samples and submitted to a laboratory. If a pregnant woman refuses to give a blood sample, the person in attendance is not guilty of violating provisions of this section.

Positive findings.

Section 109. Immediately after a positive laboratory test for venereal diseases is made, it shall be reported to the department by the person responsible for performing the tests. The department shall prescribe the form and way of reporting.

Birth and death certificate to show test.

Section 110. A birth or fetal death certificate shall state whether a blood test for syphilis has been made on a specimen of blood taken from the mother. However, no birth or fetal death certificate may show the result of the test. The certificate shall state the approximate date when the specimen was taken. If no test was made, the reason shall be stated.

Section 111. The department may use information derived from reports of positive tests for venereal diseases for follow-up procedures required by law or deemed necessary by the department for the protection of public health.

Section 112. Rules adopted by the state board for carrying out the provisions of this chapter are binding on all persons and have the effect of law.

Violation.

Section 113. A person who violates provisions of this chapter or rules adopted by the state board concerning venereal disease, or who fails or refuses to obey any lawful order issued by a state or local health officer is guilty of a misdemeanor.

Shoddy control.

Shoddy Control

"Mattress."

Section 114. As used in this chapter, unless the context clearly indicates otherwise, "mattress" means any quilted pad, comforter, mattress, mattress pad, hammock pad, bunk quilt, settee, couch, daybed, davenport, overstuffed chair, cushion or pillow filled with any soft material capable of use for sleeping or reclining purposes.

Manufacture or renovation of matresses.

Section 115. A person shall not manufacture or renovate for sale, consignment or rental a mattress unless it bears a label not smaller than six (6) square inches securely attached to the covering which states the name and address of the manufacturer or vendor, and type and percent of various materials used in filling. If the mattress contains second hand material, or has been renovated or remade, the label shall contain the words "second hand material." The labels shall be in the form, and contain information, as prescribed by the state board of health.

Unlawful acts.

Section 116. A person shall not:

(1) manufacture or renovate for sale, consignment or rental a mattress containing material designated as unfit for filling by rules adopted by the state board;

(2) manufacture or renovate for sale, consignment or rental a mattress which contains second hand materials or materials designated shoddy by the state board unless the mattress has been fumigated or sterilized by a process approved by the state board;

(3) use in a description for any mattress a term or designation that is likely to mislead;

(4) remove, alter, or deface any label required by section 115 of this act.

Rules and regulations.

Section 117. The state board may adopt rules and standards for mattress fillings to protect public health.

Entry of premises.

Section 118. Officers and employees of the state department of health, local health officials, or officials discharging similar duties may enter establishments where mattresses are manufactured, renovated or sold and examine the premises or records to determine whether statutes, or rules and standards adopted by the state board are being violated.

Condemnation of mattresses.

Section 119. The department may condemn and seize mattresses found in violation of this chapter or rules or standards adopted by the state board. Mattresses seized shall be inspected by the nearest police judge or justice of the peace together with any information obtained. The judge or justice shall dispose of the mattresses or destroy them in the way which will best satisfy the requirements of law.

Offenses.

Section 120. The unit for a separate and distinct offense in violation of this chapter is each mattress made, remade, renovated, sold, offered for sale, delivered, consigned, rented, or possessed with intent to sell, deliver, consign, or rent.

Water pollution.

Water Pollution

Section 121. (1) it is the public policy of this state to:

(a) conserve water by protecting, maintaining, and improving the quality and potability of water for public water supplies, wildlife, fish and aquatic life, agriculture, industry, recreation, and other beneficial uses;

(b) provide a comprehensive program for the prevention, abatement, and control of water pollution.

Treatment.

(2) It is not necessary that wastes be treated to a purer condition than the natural condition of the receiving stream. However, municipal or industrial pollution upstream shall not be considered natural.

Section 122. As used in this chapter, unless the context clearly indicates otherwise:

"Sewage."

(1) "Sewage" means water-carried waste products from residences, public buildings, institutions, or other buildings including discharge from human beings or animals together with ground water infiltration and surface water present.

"Industrial waste."

(2) "Industrial waste" means any waste substance from the process of business or industry, or from the development of any natural resource together with any sewage that may be present;

"Other wastes."

(3) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, tar, chemicals, and all other substances that may pollute state waters;

"Contamination."

(4) "Contamination" means impairment of the quality of state waters by sewage, industrial wastes or other wastes creating a hazard to human health;

"Pollution."

(5) "Pollution" means the alteration of any of the properties of state waters which is detrimental to their most beneficial use;

"Sewerage system."

(6) "Sewerage system" means any device for collecting or conducting sewage, industrial wastes or other wastes to an ultimate disposal point;

"Treatment works."

(7) "Treatment works" means any works installed for treating or holding sewage, industrial wastes or other wastes;

"Disposal system."

(8) "Disposal system" means a system for disposing of sewage, industrial, or other wastes and includes sewerage systems and treatment works;

"State waters."

(9) "State waters" means any body of water, irrigation system, or drainage system either surface or underground;

"Person."

(10) "Person" means the state, any political subdivision of the state, institution, firm, corporation, partnership, or individual or other entity;

"Council."

(11) "Council" means the state water pollution control council.

Industrial use of water.

Section 123. Waters shall be classified only for industrial use if primarily and continuously devoted to industrial waste use except for seasonable variations for a period of over thirty (30) years, and not used for human consumption in a single public supply system serving more than one hundred (100) persons.

Exemptions.

Section 124. This chapter does not apply to drainage or seepage from artificial, privately owned bodies of water unless drainage reaches flowing waters in a condition which would pollute the flowing waters.

Section 125. Under council supervision, the state board of health has responsibility for administration of the provisions of this chapter. The state board may use personnel of the state department of health as necessary to administer the provisions of this chapter.

Unlawful acts.

Section 126. It is unlawful to:

(1) cause pollution as defined in section 122 (5) of this act to any state waters or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any state waters;

(2) carry on any of the following activities without a current permit from the department:

(a) operate a disposal system which discharges to the state waters;

(b) construct or modify a disposal system which discharges to the state waters;

(c) increase the volume or strength of sewage, industrial wastes, or other wastes in excess of the permissive discharges specified under any existing permit;

(d) construct or use any new outlet for the discharge of sewage, industrial wastes, or other wastes to the state waters.

Permits and use.

Section 127. The department may require plans and specifications to determine if a permit should be issued. If a violation of a permit causes damage to a water use, the department may immediately order revocation of the permit without a hearing, and so notify the violating person in writing, by registered mail, return receipt requested, the revocation to be effective immediately upon receipt of such notice by such person.

Cooperation by state board.

Section 128. (1) The state board shall advise, consult, and cooperate with other states, other state agencies and agencies of the federal government, affected groups, political subdivisions and industries, in the formulation of a comprehensive plan to control water pollution.

(2) The state board may:

(a) accept loans and grants from the federal government and from other sources to carry out the provisions of this chapter;

(b) modify council actions, but only as necessary to protect human health;

(c) through its authorized representatives, enter upon any private or public property at reasonable times to investigate conditions relating to pollution of state waters;

(d) issue, modify, or revoke orders for the abatement of pollution;

(e) issue, revoke, modify, or deny permits to persons for the collection and discharge of sewage and wastes under conditions prescribed by the state board and the council.

Duties of department.

Section 129. The department shall:

(1) examine and approve or disapprove plans and other information needed to issue a permit;

(2) collect and furnish information relating to the prevention and control of water pollution;

(3) conduct necessary research and demonstrations concerning water pollution.

State water pollution control council.

Section 130. There is a state water pollution control council whose members are:

(1) the executive officer of the state department of health;

(2) the state fish and game director;

(3) the director of the water conservation board;

(4) four (4) members appointed by the governor for terms of four (4) years as follows:

(a) a representative of industry concerned with the disposal of inorganic waste;

(b) a representative of industry concerned with the disposal of organic waste;

(c) a representative of agriculture;

(d) a representative of municipal government.

Terms of office.

Section 131. Terms of council members holding office on the effective date of this act shall not be affected. An appointment to an expired term shall be for four (4) years. An appointment to an unexpired term shall be for the remainder of the term. The four (4) appointed members shall receive twenty dollars ($20) per day plus actual and necessary expenses incurred in performing their duties. Expenses shall be paid by the department of health from funds appropriated and allocated to water pollution control.

Officers—duties.

Section 132. (1) The council shall select a chairman from among its members. The executive officer shall designate a member of the public health engineering staff of the department to act as secretary to the council. The secretary shall keep records of all actions taken by the council.

(2) It shall hold at least two (2) regular meetings each calendar year. Special meetings shall be held at the call of the chairman or upon written request of two (2) or more members. A majority of the members is a quorum.

(3) Each member may, by filing with the secretary designate a deputy or alternate to perform his duties.

Section 133. The council shall:

(1) establish and modify the classification of all waters in accordance with their present and future most beneficial uses;

(2) investigate means of eliminating materials which pollute state waters, and prevent pollution that is detrimental to the public health, recreation, agriculture, industry, animals, fish or aquatic life;

(3) adopt rules to guide the state board and department in the administration of this act;

(4) adopt a comprehensive program for prevention of pollution of waters;

(5) recommend and encourage research and demonstrations relating to water pollution;

(6) direct the state board and department regarding any action necessary as a result of research or demonstrations;

(7) formulate standards of water purity and classification of water according to its most beneficial use giving consideration to the economics of waste treatment and prevention;

(8) hold any hearings necessary for the proper administration of this act; receive complaints, and make investigations;

(9) utilize staff services of the state board and department as they are able to furnish within budgetary limits;

(10) exercise all incidental powers necessary to carry out the provisions of this chapter.

Classification of streams.

Section 134. Before streams are classified, or standards established or modified, the council shall hold a public hearing. Notice of the hearing specifying the

waters concerned and the classification, standards or modification of them shall be published at least once a week for three (3) consecutive weeks in a newspaper of general circulation in the area affected. Notice shall also be mailed directly to persons the council believes may be affected by the classification or standard.

Order—when final—rehearing.

Section 135. Any order of the council or state board is final thirty (30) days after notice is given to the person affected unless a rehearing is held before that time. The procedure for a rehearing is:

(1) the person affected by the order shall request a rehearing before the council;

(2) before the thirty-first (31st) day after receipt of the request, the council shall hold a rehearing;

(3) a record or summary of the rehearing shall be filed with the council together with its findings of fact;

(4) a representative of the council may administer oaths, examine witnesses, and issue notices of the rehearing including subpoenas requiring the testimony of witnesses and the production of evidence;

(5) witnesses shall receive the same fees and mileage as in other civil actions;

(6) in case of failure to obey a notice of hearing or subpoena, the district court where the hearing is held has jurisdiction upon request by the council to issue an order requiring a person to appear and testify or produce evidence, and failure to obey shall be punished as contempt of district court;

(7) the council shall affirm, modify, or reverse the order of the council or the board and notify the person of its action;

(8) the order of the council or the state board is final thirty (30) days after notice of final action is served on the person by registered mail unless the person has appealed to the district court.

Appeal.

Section 136. The procedure for appealing the decision of the council at a rehearing is:

(1) within thirty (30) days after the receipt of a copy of the council's decision, a person shall serve notice of appeal on the council through its secretary;

(2) for good cause, the court may extend the time for notice of appeal but not to exceed an additional sixty (60) days;

(3) the notice of appeal shall refer to the action and specify the ground of appeal;

(4) the notice of appeal with proof of service shall be filed with the clerk of the court before the eleventh day after service of the notice;

(5) any person affected may become a party by intervention as in a civil action upon showing cause;

(6) the attorney general shall represent the council if requested, or the council may appoint special counsel for the proceedings;

(7) no bond or deposit for cost is required of the state or council upon the appeal to the district court or any subsequent appeal;

(8) the trial shall be de novo;

(9) the court shall determine whether or not the council regularly pursued its authority, or whether the orders of the board and the findings of the council are sustained; and whether the orders and findings are reasonable under the circumstances of the case;

(10) an appeal from the decision of the district court may be made to the supreme court in the same manner provided in other civil cases;

(11) upon final determination, the council shall enter an order in accordance with the determination made by the court.

Compliance with order.

Section 137. Before the thirty-first (31st) day after an order of the state board or the council becomes final, or a court judgment affirming or reversing the order is entered, the person upon whom the order was served shall initiate steps to comply with the order. On good cause shown, the state board or council may extend the period for compliance for a reasonable time.

Legal action.

Section 138. The council shall bring action for an injunction against any person who fails to comply with a final order of the state board or council.

Section 139. The council may require the assistance, cooperation, services, and use of records of all state agencies. State officers and employees shall cooperate with the council in furthering the purposes of this chapter.

Public Water Supplies

Public water supplies.

Section 140. It is the public policy of this state to protect, maintain, and improve the quality and potability of water for public water supplies and domestic uses.

Section 141. As used in this chapter, unless the context clearly indicates otherwise:

"Contamination."

(1) "Contamination" means impairment of the quality of state waters by sewage or industrial wastes creating a hazard to human health;

"Pollution."

(2) "Pollution" means the alteration of any of the properties of state waters which is detrimental to their most beneficial use;

"Drainage."

(3) "Drainage" means rainfall, surface, and subsoil water;

"Sewage."

(4) "Sewage" means domestic and manufacturing filth and waste;

"State waters."

(5) "State waters" means any body of water, irrigation system, or drainage system either surface or underground;

"Public water supply."

(6) "Public water supply" means any community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that serves ten (10) or more families;

"Person."

(7) "Person" means any person, firm, corporation, water or ice company, public institution, municipality or other political subdivision of the state.

Responsibility of state board of health.

Section 142. The state board of health shall:

(1) have general supervision over all state waters which are directly or indirectly being used by a person for a public water supply or domestic purposes, or source of ice;

(2) adopt rules, standards, and issue orders to prevent pollution and protect the quality of water and for

the collection and analysis of samples of water used for drinking or domestic purposes giving legal notice of the adoption by publication or posting, and by filing a copy in the office of the clerk of the municipality or county where the rule or standard is effective.

Duties of state board.

Section 143. The state department of health shall:

(1) upon complaint to the department, or to the mayor or health officer of any municipality or to the managing board or officer of any public institution, make an investigation of any alleged pollution of a water supply, and, if required, prohibit the continuance of the pollution by ordering removal of the cause of pollution;

(2) have waters examined to determine their purity and the possibility that they may endanger public health;

(3) consult and advise authorities of cities and towns, and persons having or about to construct systems for water supply, drainage, waste water and sewage as to the most appropriate source of water supply and the best method of assuring its purity;

(4) advise persons as to the best method of purifying and disposing of their drainage, sewage, or waste water with reference to the existing and future needs of other persons and to prevent pollution;

(5) consult with persons engaged in or intending to engage in manufacturing or other business whose drainage, or sewage may tend to pollute any waters as to the best method of preventing pollution;

(6) with approval of the state board, fix fees for services rendered in analyzing water and inspections to cover costs of the service and deposit receipts in the general fund;

(7) establish and maintain experiment stations and conduct experiments to study the best methods of purifying water, drainage, waste water, sewage, and industrial waste to prevent pollution, including investigation of methods used in other states;

(8) enter upon any premises at reasonable times to determine sources of pollution or danger to water supplies and whether rules and standards of the state board are being obeyed;

(9) notify the attorney general of violations of laws on pollution of state waters.

Section 144. A person shall not:

Unlawful acts.

(1) discharge polluting matter of any kind that will pollute the quality of state waters used by a person for domestic use or as a source of supply by a city, town, public institution, water or ice company;

(2) discharge human excrement, sewage, drainage, refuse, or polluting matter into any state waters or on the banks of any state waters or into any abandoned or operating water well unless the sewage, drainage, refuse, or polluting water is purified to render it harmless as prescribed by the state board;

(3) build or operate any railroad, logging road, logging camp, electric or manufacturing plant of any kind on any watershed of a public water supply system, unless:

(a) the water supply is protected from pollution by sanitary precautions prescribed by the state board; and

(b) a permit has been issued by the department after approval of detailed plans and specifications for sanitary precautions;

(4) construct, alter, or extend any system of water supply, water distribution, sewer, drainage, waste water, or sewage disposal without first submitting necessary maps and plans and specifications to the department for their advice and approval.

Drilling water wells—records.

Section 145. Every person drilling a water well to furnish water for public consumption shall keep a complete record of the depth, thickness and character of different strata, and other information prescribed by the board. Data shall be furnished to the department on forms prescribed by it. These data are available to the public at all reasonable times.

Judicial review.

Section 146. Any person aggrieved by a rule or standard of the state board may appeal to the district court. While the appeal is pending, the rule or standard of the state board is in force. The state board may request an injunction from the district court to require compliance with rules and standards.

Violation —penalty.

Section 147. Violation of this chapter, or any rule or order of the state board or department under the provisions of this chapter, is punishable for each offense by a fine of not more than one thousand dollars ($1,000), imprisonment for not more than one (1) year, or both.

Subdivisions.

Subdivisions

Section 148. It is the public policy of this state to extend present laws controlling water supply and sewage disposal to include individual wells affected by adjoining sewage disposal and individual sewage systems.

"Subdivision."

Section 149. As used in this chapter, unless the context clearly indicates otherwise, "subdivision" means any tract of land which is divided into two (2) or more parcels, any parcel of which is less than five (5) acres in size along an existing or proposed street, highway, easement, or right of way for sale, rent, or lease as residential, industrial, or commercial building lots described by reference to a map or survey of the property.

Sanitary restrictions.

Section 150. Any subdivision map or plat filed with the county clerk and recorder shall be subject to a sanitary restriction which must be recorded on, or attached to, the map or plat by the county clerk and recorder. No building or shelter which necessitates supplying water or sewage or waste disposal facilities for persons shall be erected until the sanitary restriction has been removed or modified. Before any restriction can be removed or modified by the county clerk and recorder, the map or plat of the subdivision must be submitted to the state department of health for their approval. Conditional approval may be given by the department after construction of a part of the water and sewage system, but permanent buildings shall not be occupied until the restriction has been removed or modified. The county clerk and recorder shall remove the sanitary restriction upon notice from the department that:

(1) the department approves plans and specifications for the public water facility and sewage facilities; or

(2) the subdivision map or plat is approved by the department for a subdivision not providing public water or sewage systems.

Filing.

Section 151. The county clerk and recorder shall not file or record any map or plat showing a subdivision unless it complies with the provisions of this chapter.

Rules and regulations.

Section 152. The state board shall make rules, including adoption of sanitary standards, necessary for administration and enforcement of this chapter. The rules and standards shall provide the basis for approving subdivision maps or plats for various types of water and sewage facilities, both public and private, and shall be related to size of lots, contour of land, porosity of soil, ground water level, type and construction of private water and sewage facilities, and other factors affecting public health.

Cadavers.

Cadavers

Section 153. Any medical school in the United States may procure unclaimed human bodies for use in teaching and demonstrations of anatomy.

Procedure to procure a human body for teaching purposes.

Section 154. The procedure to procure a human body for use in teaching and demonstrations of anatomy is:

(1) the medical school shall apply to the person or organization having custody of the unclaimed body asking that the body be delivered to the school for teaching and demonstration of anatomy;

(2) the medical school shall file a notarized statement with the state department of health showing that proper equipment is available for proper handling, security, and preservation of human bodies.

(3) the body shall be kept at the unit, institution, or hospital, for at least three (3) weeks after the date of death before it can be used;

(4) the medical school shall pay the costs of special preparation and transportation of the body;

(5) a burial permit shall accompany each body, and the medical school shall properly register the body and arrange for burial by a licensed mortician at the expense of the medical school;

(6) if there was no request by the deceased person that his body be buried immediately, the person or organization having custody may deliver an unclaimed body to the medical school applying. The medical school shall file a statement with the department stating that the body will be used only for teaching and demonstration of anatomy.

Post-mortem examinations limited.

Section 155. The right to perform an autopsy, or to dissect a human body, or make any post-mortem examination involving dissection of any part of a body, is limited to cases where:

(1) specifically authorized by law;

(2) a coroner is authorized to hold an inquest and then only to the extent that the coroner may authorize dissection or autopsy;

(3) authorized by a written statement of the deceased, whether the statement is of a testamentary character or otherwise;

(4) authorized by the husband, wife, or next of kin responsible by law for burial to determine the cause of death and then only to the extent so authorized;

(5) the decedent died in a hospital operated by the United States Veterans Administration, Montana School for the Deaf and Blind, or an institution in the department of institutions leaving no surviving husband, wife, or next of kin responsible by law for burial, and the manager or superintendent of the hospital or institution where death occurred obtains authority on order of the district court to determine the cause of death and then only to the extent authorized by court order;

(6) the decedent died in the state, was a resident, but left no surviving husband, wife, or next of kin charged by law with the duty of burial and the attending physician obtains authority on order of the district court for the purpose of ascertaining the cause of death, and then only to the extent authorized by court order after it has been shown that the physician made diligent search for the next of kin responsible by law for burial.

Autopsies to be performed by physician.

Section 156. All autopsies of a human body shall be performed by a physician legally authorized to practice medicine in this state. Upon completion, the physician shall send a written report of his findings, including the cause of death, to the next of kin of the decedent, representative of the decedent's estate, or other person lawfully requesting the report.

Dissection by mortician.

Section 157. This act shall not restrict the right of a licensed mortician to dissect a human body for proper preparation of the body for burial, cremation, or other disposition provided by law.

Violation —penalty.

Section 158. Unless authorized by law, any person who performs an autopsy, dissection, or other post-mortem examination or causes it to be made, is guilty of a misdemeanor. Upon conviction he shall be punished by a fine not exceeding five hundred dollars ($500).

Hospitals, Hospital Related Facilities, and Long-Term Care Facilities

Hospitals, hospital-related facilities, and long-term care facilities.

Section 159. As used in this chapter, unless the context clearly indicates otherwise:

"Hospital."

(1) "Hospital" means a place which for twenty-four (24) hours or more in each week:

(a) provides diagnosis, treatment, or care for two (2) or more non-related individuals who are suffering from illness, disease, injury, or deformity; or

"Hospital-related facility."

(b) provides obstetrical, surgical, or other medical or nursing care for two (2) or more non-related individuals.

(c) the term includes public health centers and medical facilities.

(2) "Hospital related facility" means a facility which provides:

(a) diagnosis, treatment, or care of individuals suffering from mental illness or mental retardation; or

(b) care or treatment for more than one (1) woman within six (6) months who is pregnant or who has delivered not more than ten (10) days before. The woman may not be related by blood or marriage to the person who owns or manages the facility.

"Long-term care facility."

(3) "Long-term care facility" means a place operated for profit or not, which provides nursing, personal care, or maintenance to four (4) or more persons who are unable to properly care for themselves, or provides sheltered care to four (4) or more aged persons not related to the operator by blood or marriage: It includes:

"Nursing homes."

(a) "Nursing homes" which are facilities furnishing skilled nursing care and related services;

"Personal care homes."

(b) "Personal care homes" which are facilities providing personal care and services to residents not in need of skilled nursing care;

"Boarding homes."

(c) "Boarding homes" which are facilities providing only maintenance and sheltered care;

(d) facilities providing combinations of services provided by nursing homes, personal care homes, and boarding homes.

"Long-term care facility" not to include.

(4) "Long-term care facility" does not include:

(a) a hospital, sanitarium, or other institution whose principal activity is the care and treatment of persons suffering from mental or nervous illness;

(b) hotels, motels, boarding houses, rooming houses, or similar accommodations.

"Person."

(5) "Person" means any person, firm, partnership, association or corporation, or governmental unit;

"Governmental unit."

(6) "Governmental unit" means the state, a state agency, any county, municipality, political subdivision of the state or an agency of any political subdivision;

"Resident."

(7) "Resident" means a person who is in a long-term care facility as a patient or for personal or sheltered care;

"Facility."

(8) "Facility" means a hospital, hospital related facility or long-term care facility.

Section 160. This chapter does not apply to facilities operated by an agency of the federal government.

Licensing.

Section 161. (1) No person may operate a facility unless licensed by the state department of health. Licenses shall be for one (1) year unless issued for a shorter period. A license is valid only for the person and premises for which it was issued. A license may not be sold, assigned or transferred.

(2) Upon discontinuance of the operation or of transfer of ownership of a facility, the license must be returned to the department.

(3) Licenses shall be displayed in a conspicious place near where patients or residents are admitted.

Fee.

Section 162. The department shall collect a fee of twenty dollars ($20) for each license issued and deposit receipts in the state general fund.

License application procedure.

Section 163. The procedure to apply for a license is:

(1) at least thirty (30) days prior to the opening of a facility and annually thereafter, application is made to the department accompanied by the license fee of twenty dollars ($20);

(2) the application shall contain:

(a) the name and address of the applicant if an individual; or the name and address of each member if a firm, partnership or association; or the name and address of each officer if a corporation;

(b) the location of the facility;

(c) the name of the person or persons who will manage or supervise the facility;

(d) the number and type of patients or residents for which care is provided;

(e) any information which the state board of health may require pertaining to the number, experience, and training of employees;

(f) information on ownership, contract or lease agreement, if operated by a person other than the owner.

Inspection—qualification.

Section 164. (1) On receipt of a new or renewal application, the department, or its authorized agent, shall inspect the facility. If minimum standards are met and the proposed staff is qualified, the department shall issue a license for one (1) year. If minimum standards are not met, the department may issue a provisional license for less than one (1) year if operation will not result in undue hazard to patients or residents or if the demand for accommodations offered is not met in the community.

(2) Licensed premises shall be open to inspection and access to all records shall be granted at all reasonable times.

Denial of application.

Section 165. The department may deny an application for long-term care facility license if:

(1) it fails to meet minimum standards prescribed under section 171 of this act;

(2) the staff is insufficient in number or unqualified by lack of training or experience;

(3) the applicant or any person managing it has been convicted of a felony or otherwise shows evidence of

character traits inimical to the health and safety of residents;

(4) it does not have the financial ability to operate in accordance with law, or rules, or standards adopted by the state board.

Revocation of license.

Section 166. The department may revoke or refuse to renew a long-term care facility license if:

(1) there is cruelty or indifference affecting the welfare of the residents;

(2) there is misappropriation of the property or funds of a resident;

(3) there is conversion of the property of a resident without his consent;

(4) any provision of this chapter, or rules or standards adopted by the state board are violated;

(5) any reason enumerated in section 165 of this act exists.

Failure to comply with act.

Section 167. The department may deny, suspend, or revoke a hospital or hospital related facility license if it finds there has been substantial failure to comply with the provisions of this chapter.

Procedure to deny, suspend or revoke license.

Section 168. (1) if a license is denied, suspended, or revoked, the procedure is:

(a) notice is given by registered mail or personal service to the applicant or licensee stating the reason for the proposed action and specifying a date, not less than fifteen (15) days after mailing or service, for a hearing before the state board;

(b) witnesses may be subpoenaed by either party;

(c) in accordance with rules adopted by the state board, a hearing is held before the state board;

(d) a full and complete record shall be kept of all proceedings, but need not be transcribed unless the decision is appealed to the district court;

(e) on the basis of the hearing, or default of the applicant, the state board shall make findings of fact and conclusions of law;

(f) the applicant or licensee shall be notified by registered mail or personal service of the state board's decision;

(g) the decision of the state board is final thirty (30) days after it is mailed or served unless the applicant or licensee commences an action in the district court to appeal the decision.

(2) A copy of the transcript of any hearing may be obtained by any person on payment of the costs of preparing the copy.

Judicial review —procedure.

Section 169. If any applicant or licensee is aggrieved by the decision of the state board after the hearing provided in section 168 of this act, the procedure is:

(1) before the thirty-first (31st) day after mailing or service of the state board's decision, the applicant or licensee shall file a complaint in the district court where the facility is located or will be located;

(2) summons shall be issued, and proceedings shall be conducted as in the case of other civil actions;

(3) the state board shall file a certified copy of the record and decision from the hearing with the court upon filing its answer to the complaint;

(4) findings of fact by the state board shall be conclusive unless substantially contrary to the evidence, or unless in conflict with law;

(5) the court may remand the case to the state board for further evidence if good cause is shown;

(6) on rehearing the state board may affirm, reverse, or modify its decision;

(7) the court may affirm, reverse, or modify the rehearing decision of the state board;

(8) either party may appeal the final decision of the district court;

(9) pending final disposition of a matter appealed, the status quo of the applicant or licensee shall be preserved unless the court orders otherwise.

Rules for alteration of facility.

Section 170. The state board may adopt rules to require an applicant or licensee who comtemplates altera-

tion or addition to a facility to submit plans and specifications to the department for preliminary inspection and approval prior to commencing construction.

Standards of care.

Section 171. (1) The board shall adopt and publish rules and minimum standards for all long-term care facilities distinguishing between those for nursing care, personal care, sheltered care, and facilities providing combinations thereof.

(2) Standards shall relate to:

(a) location and construction of the facility including plumbing, heating, lighting, ventilation, and other conditions affecting the health, safety, or comfort of residents;

(b) number and qualifications of personnel;

(c) sanitary conditions including water supply, sewage disposal, food handling, laundries, and general hygiene;

(d) diet based on good nutritional practice, needs of residents, and recommendations of attending physicians;

(e) fixtures and equipment essential to the health and safety of residents;

(f) age and physical requirements for admission;

(g) records of residents' medical history, funds, property, and contract with the operator or manager;

(h) medical supervision and resident care including use of physical restraints;

(i) reporting of contagious diseases, epidemics, or food poisoning;

(j) administration including the storage and handling of medications, narcotics, barbituates, and compressed gases;

(k) visiting hours and areas.

(3) All long-term care facilities of nonfire-resistant construction, of two (2) stories or more in height having ten (10) or more residents, must have an automatic sprinkler system approved by the state fire marshal. The fire marshal shall furnish the state board with certificates of compliance with fire protection rules and standards.

Hospital and long-term care facility advisory council.

Section 172. (1) The governor shall appoint a hospital and long-term care facility advisory council to consult with the state board in administering this chapter and statutes relating to hospitals, medical and related facilities survey and construction contained in sections 180 through 192 of this act.

Members.

(2) The council consists of:

(a) the executive officer of the department of health who is ex officio chairman;

(b) the state administrator of public welfare, ex officio;

(c) the director of the department of institutions, ex officio;

(d) representatives of nongovernmental organizations or groups, and public agencies, concerned with the operation and construction of hospitals and hospital related facilities;

(e) two (2) persons of recognized experience in the operation of long-term care facilities;

(f) representatives of consumers familiar with the need for services provided by hospitals, hospital related facilities, and long-term care facilities;

(g) additional members required for benefits under any federal law.

Terms.

Section 173. (1) Members of the first council shall serve for one (1), two (2), or three (3) years as designated by the governor. The governor shall avoid expiration of the terms of more than one-third (1/3) of the initial appointive members terms in any twelve (12) month period. After the initial appointments, appointed members serve for three (3) year terms. Appointments for unexpired terms shall be for the remainder of the term.

Meetings.

(2) The council meets at the call of the chairman, or at the request of four (4) of the appointed members.

Compensation.

(3) Members, except ex officio members, are reimbursed at the rate of ten dollars ($10) per day for actual expenses and eight cents (8¢) per mile for travel.

Rules and standards.

Section 174. With the advice of the hospital and long-term care facility advisory council, the state board shall adopt rules and standards for facilities licensed under this chapter. The department shall extend a reasonable time for compliance with rules after adoption by the state board.

Discrimination among patients prohibited.

Section 175. (1) No person who operates a facility may discriminate among the patients of licensed physicians. The free and confidential professional relationship between licensed physician and patient shall continue and remain unaffected. Physicians shall continue to have direction over their patients.

(2) This chapter, and rules and standards adopted by the state board, may not authorize the supervision, regulation, or control of care or treatment of persons in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination. However, a license is required and all other minimum standards apply.

Information confidential

Section 176. Information received by the department or board through reports, inspection, or provisions of this chapter may not be disclosed in a way which would identify individuals or facilities, except in a proceeding involving the question of licensure or as required by the federal government for certification or preparation of a state plan.

Records and reports.

Section 177. Licensees shall keep records, and make reports, as required by the state board. Before February 1 of each year, every person licensed under this chapter shall submit an annual report for the preceding calendar year to the department. The report shall be on forms and contain information specified by the board.

State may maintain injunction against facility.

Section 178. The state board or department, on advice of the attorney general, may maintain an action for injunction or other process against any person to restrain or prevent the establishment, conduct, management or operation of a facility which is endangering health and welfare.

Violation penalty.

Section 179. A person who violates provisions of this chapter is guilty of a misdemeanor. On conviction he shall be fined not more than one hundred dollars ($100)

for the first offense, and not more than three hundred dollars ($300) for each subsequent offense. Each day of a continuing violation after conviction is a separate offense.

Hospitals, Medical and Related Facility Survey and Construction

Hospitals, medical and related facility survey and construction.

Section 180. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Federal acts" are federal statutes for the construction of medical or related facilities. "Federal acts."

(2) "Hospital" includes public health centers and general, pulmonary disease, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities such as laboratories, out-patient departments, nurses' homes and training facilities, and central service facilities created in connection with hospitals, but does not include a hospital furnishing primarily domiciliary care. "Hospital."

(3) "Medical facility" means a diagnostic or diagnostic and treatment center, rehabilitation facility, facility for long term care as defined by federal acts, and other medical facilities for which federal aid is or may be authorized. "Medical facility."

(4) "Related facility" includes a facility devoted to the diagnosis, treatment, or care of individuals afflicted with mental illness or mental retardation. "Related facility."

(5) "Health center" means a publicly owned facility providing public health services including publicly owned laboratories, clinics, and administrative offices operated in connection with the facility. "Health center."

(6) "Nonprofit hospital or nonprofit medical facility" means a hospital or medical facility owned or operated by one (1) or more nonprofit corporations or associations if no part of the net earnings inure to the benefit of any private shareholder or individual. "Nonprofit hospital or nonprofit medical facility."

(7) "Council" means the hospital and long-term care facility advisory council created by section 172 of this act. "Council."

State department of health principal state agency.

Section 181. The state department of health is the principal state agency for establishing and administering

a state wide plan for construction, modernization, alteration, equipment, maintenance, or operation of any hospital, medical, or related facility for provision of care, treatment, diagnosis, rehabilitation, training, or related service. With approval of the state board of health, the executive officer of the state department of health may enter into contracts and agreements with agencies of the federal government to secure the benefit of federal programs to provide adequate medical and related facilities and services.

Department shall perform.

Section 182. The department shall:

(1) inventory existing hospitals, medical and related facilities;

(2) survey the need for construction or alteration of hospitals;

(3) develop and administer a state plan for the construction and alteration of public and other nonprofit hospitals, medical and related facilities;

(4) if desirable, enter into agreements after approval by the state board for the utilization of facilities and services of other departments, agencies, and institutions, public or private;

(5) accept and deposit with the state treasurer and spend any grant, gift, or contribution made to meet costs of carrying out the purposes of this act.

Rules.

Section 183. The state board shall adopt necessary rules for the administration of this chapter.

Duties of department.

Section 184. With approval of the state board, the department shall:

(1) prepare and review a construction program in accordance with federal requirements that will provide adequate hospital, medical and related facilities to people in the state providing, as far as possible, for distribution throughout the state to make all types of services reasonably acceptable to all persons;

(2) submit to federal agencies state plans including those for the hospital, medical and related facilities construction program and modifications of it providing for the establishment and operation of hospital, medical and related facilities construction activities in accordance with federal requirements;

(3) make application to the appropriate federal agency for funds to assist in carrying out the survey and planning activities. Federal funds shall be deposited in the state treasury and used only for the purposes specified by law. Money which is not spent for those purposes shall be repaid to the federal government.

(4) after approval of a plan by the appropriate federal agency, publish a description in newspapers having general circulation throughout the state, and make the plan available upon request to all persons or organizations;

(5) inspect construction or alteration projects approved by the appropriate federal agency and, if satisfactory, certify that work has been performed on the project or purchases made in accordance with approved plans and specifications, and that payment of federal funds is due to the applicant;

(6) require reports, and make inspections and investigations, as necessary or required by the federal agency;

(7) contract with consultants for services which are performed on a part-time or fee-for-service basis not involving administrative duties.

Publicity for plans.

Section 185. Before submitting plans to a federal agency, the state board shall give adequate publicity including a general description of the plans, and may hold a public hearing at which all persons or organizations may express their views.

Minimum standards.

Section 186. After consultation with the council, the state board shall prescribe minimum standards for the maintenance and operation of hospitals, medical and related facilities receiving federal aid for construction under the state plan.

Need for projects

Section 187. The state plan shall specify relative need for the projects included in the construction program in accordance with regulations prescribed under federal acts, and provide for the construction, maintenance, and operation in the order of relative need determined by the state board.

Application for facilities.

Section 188. Applications for hospital, medical and related facilities construction projects may be submitted by a state agency, a political subdivision, or by any public

or nonprofit agency authorized to construct and operate a hospital, medical or related facility.

Processing of application.

Section 189. If the state board, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that an application complies with state and federal requirements and conforms to the state plan, the state board shall forward the application to the appropriate federal agency. If an application is denied, the applicant shall have an opportunity for a fair hearing.

Federal aid.

Section 190. The state board may accept federal funds. All federal funds received shall be deposited in the state treasury. The executive officer shall transmit federal funds to applicants for work performed, or purchases made, in carrying out approved projects. Claims for all payments shall be approved by the executive officer.

Consolidated application.

Section 191. Boards of county commissioners of two (2) or more counties may submit a consolidated application for a single hospital, medical facility, or health center serving each of the counties included in the application. Any statutes investing counties with powers to construct, maintain, and operate hospitals or medical facilities directly, or by lease or contract, may be utilized for this joint action. All statutes governing submission of questions of establishing a hospital or medical facility, hospital or medical facility construction, issuance of bonds, method of operation, and requiring a majority vote of taxpayers on the questions shall apply. Concurrent and joint action of two (2) or more counties and approval by a majority of the voters in each county is required to authorize the issuance of bonds, construction, and contracts under a consolidated plan.

Discrimination prohibited.

Section 192. No person shall deny another person the use of any facility constructed in whole or in part under this chapter in a professional or other capacity, or discriminate against another person on the grounds of race, color, or national origin.

Cesspools, septic tanks and privies.

Cesspools, Septic Tanks, and Privies

Section 193. No person, partnership, firm, or corporation shall engage in the business of cleaning cesspools, septic tanks or privies unless licensed by the state department of health. The department may deny, suspend, or revoke a license for noncompliance with this chapter or rules adopted by the state board of health.

Licensing—application—form.

Section 194. Application for a license is made to the department. The application shall show:

(1) the name in full, and if a partnership, the name of each partner;

(2) place of business;

(3) place of residence of the applicant or applicants;

(4) number of units and type of equipment to be used;

(5) a statement that the applicant will comply with rules adopted by the state board under this chapter;

(6) the signature of the individual, authorized officer of the firm or corporation, or managing partner of the partnership applying.

Fee.

Section 195. Licenses issued by the department shall be titled "Montana Sanitary Licensee," and numbered consecutively beginning with the number ten (10). Licenses expire on December 31 of each calendar year. Licenses are not transferable. The fee for each license is five dollars ($5). Fees shall be deposited in the state general fund.

Vehicle designation.

Section 196. Persons licensed shall paint on the side of each vehicle used the words "Montana Sanitary Licensee" and immediately under those words shall paint "License No. ..... (insert number of license)." License numbers shall be at least one and one-half (1½) inches high and in a distinct color contrasting with the background.

Cleaning of facilities—permit.

Section 197. Each person licensed under the provisions of this chapter who cleans a cesspool, septic tank, or privy shall secure a permit from the local health officer, or his authorized representative, having jurisdiction. The permit shall be issued only after satisfactory examination of the applicant's knowledge of sanitary principles, laws and ordinances; reliability in observing sanitary laws; and ability to clean the septic tank, cesspool, or privy without endangering human health or safety. The permit shall contain the name of the applicant, date of clean-

ing, name and address of the owner of the cesspool, septic tank or privy, and the place and means of disposing of the waste. The person issuing the permit shall be paid a fee of one dollar ($1).

Fee.

Section 198. The state board shall adopt necessary rules for carrying out the provisions of this chapter.

Exclusions.

Section 199. The license provisions of this chapter do not apply to any county or municipality which desires to clean septic tanks, cesspools, or privies publicly owned or controlled by them. However, counties and municipalities shall comply with rules adopted by the state board for cleaning cesspools, septic tanks, or privies.

Enforcement—violation and penalty.

Section 200. State and local health officers, and their representatives, are responsible for the enforcement of this chapter. Any person who fails to comply with provisions of this chapter or orders of a health officer made under this chapter for the protection of human health is guilty of a misdemeanor. Upon conviction he shall be fined not more than one hundred dollars ($100), imprisoned for not more than thirty (30) days, or both, for each offense. Fines collected shall be deposited in the general fund of the county in which the action is brought.

Public swimming and bathing places.

Public Swimming Pools and Bathing Places

Section 201. It is the public policy of this state to regulate public swimming pools and public bathing places to protect public health.

Section 202. As used in this chapter, unless the context clearly indicates otherwise:

"Public swimming pool."

(1) "Public swimming pool" means any artificial pool and bathhouses and related appurtenances for swimming, bathing, or wading, including natural hot water pools. The term does not include:

(a) swimming pools located on private property used for swimming or bathing only by the owner, members of his family, or their invited guests;

(b) medicinal hot water baths for individual use.

"Public bathing place."

(2) "Public bathing place" means a body of water and bathhouses and related appurtenances operated for the public.

"Person."

(3) "Person" means a person, firm, partnership, corporation, organization, the state, or any political subdivision of the state.

Rules for sanitation.

Section 203. The state board of health shall adopt rules for sanitation in public swimming pools and public bathing places to protect public health.

Supervision.

Section 204. The state department of health shall supervise the sanitation of public swimming pools and public bathing places.

Authority of department.

Section 205. Authorized employees of the department and local boards of health may:

(1) at reasonable times inspect public swimming pools and public bathing places to determine if provisions of this chapter and rules of the state board are being violated;

(2) request an injunction from the district court to enjoin actions in violation of this chapter or rules adopted by the state board;

(3) bring actions to abate nuisances maintained in violation of this chapter in the manner provided by law for the summary abatement of other public nuisances;

(4) enforce rules adopted by the state board.

Reports.

Section 206. The department may publish reports of inspections authorized by section 205(1) of this act.

Plans—approval.

Section 207. A person planning to construct a public swimming pool or develop a public bathing place shall submit plans to the department prior to construction. The department shall review the plans and approve or disapprove them.

Duties of operators.

Section 208. Each person operating a public swimming pool or public bathing place shall:

(1) operate the pool or public bathing place in a sanitary and safe manner;

(2) keep records of public health and safety information required by the department;

(3) furnish information to the department on forms prescribed by it.

Facilities to be sanitary, healthful and safe.

Section 209. Public swimming pools and public bathing places, including pool structures, methods of opera-

tion, source of water supply, methods of water purification, lifesaving apparatus, safety measures for bathers, and personal cleanliness measures for bathers, shall be sanitary, healthful, and safe.

Violaton of act public nuisance.

Section 210. The construction or operation of a public swimming pool or public bathing place contrary to the provisions of this chapter or rules adopted by the state board under the provisions of this chapter is a public nuisance and dangerous to public health.

Violation and penalty.

Section 211. A person who violates this chapter, or rules adopted by the state board under the provisions of this chapter, is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), imprisonment for not more than six (6) months, or both. Each day that a violation continues is a separate violation.

Tourist campgrounds.

Tourist Camp Grounds

Section 212. As used in this chapter, unless the context clearly indicates otherwise, "tourist camp ground" means a place used for public camping primarily by automobile tourists. The term includes places where persons can camp or secure cabins or tents, trailer courts, and similar public places.

Rules.

Section 213. The state board of health shall adopt rules for operating tourist camp grounds to insure sanitation and protect public health.

Operator to perform.

Section 214. A person operating a tourist camp ground shall:

(1) obtain a license from the state department of health;

(2) post copies of rules adopted by the state board under the provisions of this chapter in conspicuous places on the tourist camp grounds;

(3) permit inspections by state or local health officers at all reasonable times.

Application for license.

Section 215. Application for a license is made to the department on forms, and containing information, required by the department. Each application shall be

accompanied by a fee of five dollars ($5). Licenses expire on December 31 of the year in which they are issued.

Denial.

Section 216. (1) The department may deny an application for a license or revoke a license that has been issued if a tourist camp ground does not comply with provisions of this chapter and rules adopted by the state board under provisions of this chapter.

Duties of department.

(2) The department shall:

(a) inspect tourist camp grounds during reasonable hours as necessary;

(b) supervise the inspection of tourist camp grounds by local health officers, sanitarians or other authorized persons as necessary;

(c) collect a fee of five dollars ($5) for each license issued and deposit receipts in the state general fund.

Hearing.

Section 217. If the department denies an application for a license or revokes a license that has been issued, an applicant or licensee is entitled to a hearing before the state board to show cause why the action should not be taken. If a hearing is desired, the applicant or licensee shall notify the executive officer of the department in writing before the sixth day after notice of the denial or revocation is received.

Violation and penalty.

Section 218. A person who violates provisions of this chapter, or rules adopted by the state board under provisions of this chapter, is guilty of a misdemeanor. On conviction he shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100). Fines shall be paid to the county treasurer of the county in which the tourist camp ground is located. The county treasurer shall send all fines collected to the state treasurer for deposit in the state general fund.

Effective date.

Section 219. Sections 212, 213, 214, 215, 216, 217, and 218 shall be effective January 1, 1968.

Amending clause.

Section 220. Section 27-202, R.C.M. 1947, is amended to read as follows:

"27-202. **Definitions for purposes of Montana Insecticide, Fungicide, and Rodenticide Act of 1947—state board of health charged with administration and enforcement of act.** (a) The term 'economic poison' means any sub-

stance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses or fungi on or in living man or other animals, which the director of the agricultural experiment station of Montana State *University* shall declare to be a pest.

"Economic poison."

"Insecticide." (b) The term 'insecticide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

"Fungicide." (c) The term 'fungicide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

"Rodenticide." (d) The term 'rodenticide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animals which the director of the agricultural experiment station shall declare to be a pest.

"Herbicide." (e) The term 'herbicide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

"Insect." (f) The term 'insect' means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insects, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six *(6)* legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

"Fungi." (g) The term 'fungi' means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

"Weed." (h) The term 'weed' means any plant which grows where not wanted.

"Ingredient statement." (i) The term 'ingredient statement' means either:

(1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or

(2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic poison (except Option 1 shall apply if the preparation is highly toxic to man, determined as provided in section 27-205); and, in addition to (1) or (2) in case the economic poison contains arsenic in any form a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

"Active ingredient." (j) The term 'active ingredient' means an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests.

"Inert ingredient." (k) The term 'inert ingredient' means an ingredient which is not an active ingredient.

"Antidote." (l) The term 'antidote' means the most practical immediate treatment in case of poisoning and includes first aid treatment.

"Person." (m) The term 'person' means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

"Board." (n) The term 'board' means the state board of health *through the state department of health* of the state of Montana, hereby charged with the responsibility of administering and enforcing this act.

"Registrant." (o) The term 'registrant' means the person registering any economic poison pursuant to the provisions of this act.

"Label." (p) The term 'label' means the written, printed, or graphic matter on, or attached to, the economic poison, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison.

"Labeling." (q) The term 'labeling' means all labels and other written, printed, or graphic matter,

(1) upon the economic poison or any of its containers or wrappers;

(2) accompanying the economic poison at any time;

(3) to which reference is made on the label or in literature accompanying the economic poison, except when

accurate, nonmisleading reference is made to current official publications of the United States departments of agriculture or interior, the United States public health service, state experiment stations, state agricultural colleges, or other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the field of economic poison.

"Adulterated." (r) The term 'adulterated' shall apply to any economic poison if its strength or purity falls below the professed standards or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

"Misbranded." (s) The term 'misbranded' shall apply:

(1) to any economic poison if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) to any economic poison:

(a) if it is an imitation of or is offered for sale under the name of another economic poison;

(b) if its labeling bears any reference to registration under this act;

(c) if the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;

(d) if the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;

(e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;

(f) if any word, statement, or other information required by or under the authority of this act to appear on the labeling is not prominently placed thereon with

such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, or

(g) if in the case of an insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or other vertbrate animals or vegetation, except weeds, to which it is applied, or to the person applying such economic poison."

Violation. Section 221. Anyone who violates any provision of this act, or any rule adopted by the state board under the provisions of this act, for which no penalty is specified, is guilty of a misdemeanor.

Severability clause. Section 222. It is the intent of the legislative assembly that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Repealing clause. Section 223. Sections 69-101 through 69-103, 69-105, 69-105.1, 69-105.2, 69-105.3, 69-105.4, 69-107, 69-109 through 69-127, 69-201 through 69-208, 69-301, 69-303 through 69-319, 69-401 through 69-404, 69-501 through 69-536, 69-536.1, 69-536.2, 69-537 through 69-539, 69-601 through 69-609, 69-701 through 69-712, 69-801 through 69-817, 69-901, 69-902, 69-1001 through 69-1025, 69-1122 through 69-1138, 69-1201 through 69-1220, 69-1301 through 69-1320, 69-1326 through 69-1346, 69-2001 through 69-2004, 69-2201, 69-2202, 69-2301 through 69-2310, 69-2407 through 69-2421, 69-2501 through 69-2504, 69-2601 through 69-2603, 69-2901 through 69-2918, 69-3001 through 69-3004, 69-3007 through 69-3016, 69-3016.1, 69-3017, 69-3018, 69-3101 through 69-3112, 69-3201 through 69-3210, and 69-3801 through 69-3813, R.C.M. 1947 are repealed.

Approved: February 28, 1967.

CHAPTER 198

An Act for the Codification and General Revision of the Laws of Montana Relating to NonProfit Corporations,